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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 549; Navel Orange Reg. 548, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 16-22, 1982, and increases the quantity of such oranges that may be so shipped during the period April 9-15, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective April 16, 1982, and the amendment is effective for the period April 9-15, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447-5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512-1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on April 13, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (Navel).

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. § 907.849 is added as follows:

§ 907.849 Navel Orange Regulation 549.

The quantities of navel oranges grown in Arizona and California which may be handled during the period April 16, 1982, through April 22, 1982, are established as follows:

- (1) District 1: 1,700,000 cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: Unlimited cartons;
- (4) District 4: Unlimited cartons.

2. Section 907.848, Navel Orange Regulation 548 (47 FR 15095), is hereby amended to read:

§ 907.848 Navel Orange Regulation 548.

- (1) District 1: 1,850,000 cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: Unlimited cartons;
- (4) District 4: Unlimited cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 14, 1982

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-10512 Filed 4-14-82; 11:43 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1472

Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1982-1985)

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the regulations governing the Commodity Credit Corporation's price support payment program for shorn wool and unshorn lambs (pulled wool) for the 1978-1981 marketing years to make the terms and conditions of such program applicable for shorn wool and pulled wool for the 1982-1985 marketing years. In addition, this rule deletes from the Code of Federal Regulations, certain obsolete references for the 1978 and 1979 marketing years with respect to: (1) The levels of price support and the rate of payment for shorn wool, (2) the rate of payment for pulled wool, and (3) the amounts which have been permitted to be deducted from the price support payments for advertising and sales promotion programs for wool. These actions are required by the Wool Act of 1954, as amended by the Agriculture and Food Act of 1981.

EFFECTIVE DATE: April 15, 1982.

ADDRESS: Emergency Operations and Livestock Programs Division, ASCS, USDA, Room 4095 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gerald Schiermeyer, ASCS, (202) 447-7674.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." This rule has been classified as "not major" since it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this rule applies are: Title—National Wool Act Payments, Number—10.059, as found in the Catalog of Federal Domestic Assistance Programs.

This action will not have a significant impact, specifically on area and community development. Therefore, review as established by OMB Circular A-95, was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation is not required to publish a notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other provision of law with respect to the subject matter of this rule.

The Wool Act of 1954 (hereinafter referred to as the "Wool Act") was amended by the Agriculture and Food Act of 1981 to make price support available to producers of wool and mohair for the 1982-1985 marketing years by means of loans, purchases, payments, or other operations.

The Wool Act provides that the price of shorn wool will be supported for the 1982-1985 marketing years at 77.5 percent of an amount determined by a formula which is prescribed in Section 703 of the Wool Act. The Wool Act also authorizes the Secretary to establish a support price for pulled wool at a comparable rate to the support price of shorn wool. The rate of payment each year for shorn wool is based on the difference between the annual national

average price received by all producers and the support price for shorn wool.

It has been determined that price support for shorn wool and pulled wool for the 1982-1985 marketing years will be made available by means of payment to producers. Accordingly, the regulations which previously set forth the terms and conditions for the price support payment program for shorn wool and pulled wool for the 1978-1981 marketing years, are being amended herein to extend such terms and conditions to the price support payment program for shorn wool and pulled wool for the 1982-1985 marketing years. This final rule also deletes certain obsolete references from the Code of Federal Regulations for the 1978 and 1979 marketing years regarding the level of price support and rate of payment for shorn wool, the rate of payment for pulled wool, and deductions from price support payments for advertising and sales promotion activities for wool. The calculation and determination of the support price for shorn wool, the payment rates for shorn and pulled wool, and any deductions which may be made from price support payments for advertising and sales promotion activities for each of the 1982-1985 marketing years, will no longer be codified, but will be published as notices in the Federal Register.

Since the changes made by this final rule are merely technical in nature with no changes being made in the terms and conditions which were set forth with respect to previous programs for shorn wool and pulled wool, it has been determined that no further public rulemaking is required. Accordingly, this rule shall become effective April 15, 1982.

List of Subjects in 7 CFR Part 1472

Price support programs, Wool.

Final Rule

PART 1472—WOOL

Accordingly, the regulations of 7 CFR Part 1472 are amended as follows:

1. The title of this subpart is amended to read as follows:

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1982-1985)

§ 1472.1501 [Amended]

2. Section 1472.1501 is amended by removing "1978, 1979, 1980, and 1981" and inserting in lieu thereof "1982, 1983, 1984, and 1985."

§ 1472.1503 [Amended]

3. Section 1472.1503(a) is amended by removing "(a) General." and by removing "1978, 1979, 1980, and 1981" and inserting in lieu thereof "1982, 1983, 1984, and 1985."

§§ 1472.1503, 1472.1505, 1472.1521 and 1472.1546 [Amended]

4. Sections 1472.1503 (b) and (c), 1472.1505 (c) and (d), 1472.1521 (c) and (d), and 1472.1546 (b) and (c) are hereby removed.

Note.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 702-708, 68 Stat. 910-912, as amended (7 U.S.C. 1781-1787).

Signed at Washington, D.C., on April 8, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82-10340 Filed 4-14-82; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Standards for Protection Against Radiation; Replacement of Provisions of Regulatory Guide 8.15

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations, "Standards for Protection Against Radiation," 10 CFR Part 20, to place requirements for an acceptable respiratory protection program, currently incorporated by reference in § 20.103, directly into § 20.103. This is a minor non-policy amendment to the regulation in response to denial by the Office of the Federal Register of continued approval of that incorporation-by-reference provision.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Lynnette Hendricks, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301) 443-5970.

SUPPLEMENTARY INFORMATION: On November 9, 1981, the Nuclear Regulatory Commission published for comment in the Federal Register (46 FR 55271) a proposed amendment to 10 CFR

Part 20 of its regulations. Existing paragraph 20.103(c) of 10 CFR Part 20 states that "when respiratory protective equipment is used to limit the inhalation of airborne radioactive material * * *, the licensee may make allowance for such use in estimating exposures of individuals to such materials provided that such equipment is used as stipulated in Regulatory Guide 8.15, 'Acceptable Programs for Respiratory Protection.'"

Footnote 6 then states that, "This incorporation by reference provision was approved by the Director of the Federal Register on October 19, 1976 * * * The Office of the Federal Register will no longer allow material published in a Regulatory Guide to be incorporated into the regulations by reference, and has given the Nuclear Regulatory Commission until March 1, 1982, to take alternative action."

Regulatory Guide 8.15 contains procedural and technical provisions for an acceptable program, including bioassay, air sampling, specifications for high efficiency filters and the quality of breathing air in supplied-air devices, to list a few, which are being incorporated directly into the regulations. A "table of protection factors" in the guide sets forth the amount of allowance permitted for certain types of respiratory protection devices. This table is being incorporated in Appendix A to Part 20 and will reflect several corrections previously made in the table by a Bulletin and a Information Notice issued by the NRC Office of Inspection and Enforcement. These changes were that a protection factor for hoods of 2000 is allowed only if the air flow to the wearer is supplied at the manufacturer's recommended maximum pressure/flow rate. A protection factor of no more than 1000 is allowed for these devices operated at the minimum pressure/air flow-rate of 6 cubic feet per minute. The protection factors for atmosphere-supplying respirators were reduced from 50 and 10 for full and half-mask respirators respectively operating in demand mode to 5 for both types of masks. A new category of respiratory protection devices was added under self-contained breathing apparatus. This is a positive pressure, recirculating device (rebreather), designated RP with a protection factor of 5000 allowed if the specified conditions are met. The first two of these changes were made previously by a Bulletin issued by the Nuclear Regulatory Commission's Office of Inspection and Enforcement on June 12, 1978, and the later change by an Information Notice issued on August 28, 1981 (IN-81-26), also by the Nuclear

Regulatory Commission's Office of Inspection and Enforcement.

Three errors in the proposed rule were noted by NRC staff and commenters. These errors were corrected as follows:

1. Under Category I, "Air-Purifying Respirators," the third entry should have read: "Facepiece, half-mask, full or hood".

The "full" was mistakenly omitted in the proposed rule.

2. Under Category II, "Atmosphere-Supplying Respirators," the 2nd and 4th entry were changed from 10 and 50 to 5, but the explanation of the change was not included in the Supplementary Information section of the proposed rule. The protection factors for full and half-mask respirators with this type of device, operated in the demand mode, were reduced from 10 for half masks and 50 for full facepiece masks to 5 for both types pursuant to the NRC Office of Inspection and Enforcement Bulletin No. 78-07, June 12, 1978. The Bulletin was issued on the basis of a Los Alamos National Laboratory study performed for NRC which indicated that much of this type of equipment does not achieve a protection factor greater than 5.

3. The 2nd entry under Part 2, "Self-contained breathing apparatus" of Category II was mistakenly listed as 2000 instead of 10,000. The Office of the Federal Register printed a correction for this error in the Federal Register on December 8, 1981 (46 FR 60005).

Seven clarifying changes were made in response to public comments on the transfer of requirements from Regulatory Guide 8.15 to § 20.103 and Appendix A of Part 20. Four changes were made as a result of a comment stating that the rule change was substantive and not just administrative in nature due to the omission of certain requirements that were in Regulatory Guide 8.15. In response to that comment:

1. Section 20.103(c)(3) was added to read as follows:

A written policy statement on respirator usage shall be issued covering such things as: use of practicable engineering controls instead of respirators; routine, nonroutine, and emergency use of respirators; and periods of respirator use and relief from respirator use. The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other condition that might require such relief.

2. Section 20.103(c)(4) was added to read as follows:

The licensee uses equipment within limitations for type and mode of use and provides proper visual, communication, and

other special capabilities (such as adequate skin protection) when needed.

3. The following was added to footnote (i) pertaining to supplied-air suits:

There shall be a standby rescue person equipped with self-contained breathing apparatus and communications equipment whenever supplied-air suits are used.

4. A statement was added to § 20.103(c)(2) requiring written procedures for testing of respirators for operability immediately prior to each use.

A change was made in response to a commenter noting that the requirement for correcting exposure records when estimates are greater than the corrected value places a huge professional and bookkeeping burden on the licensee since actual protection factors afforded by respirators vary from day to day for the same individual, and protection factors are generally much higher than allowed in the table of protection factors. In addition, a number of work groups are chronically exposed to low concentrations of airborne radioactive materials which further complicates calculation of accurate dose assessments for the many tasks performed by these workers. In response to this comment the last sentence in § 20.103(c)(1) was modified to read:

"If the exposure is later found to be greater than estimated, the corrected value shall be used; if the exposure is later found to be less than estimated, the corrected value may be used" (emphasis added).

Two clarifying changes suggested by a commenter were made on the new entry in the table of protection factors, Appendix A, positive pressure rebreathers, designated RP, pursuant to the intent of NRC Office of Inspection and Enforcement Information Notice, IN-81-26, August 1981. These changes are as follows:

1. The description of positive pressure rebreathers was changed from pressure-demand (PD) to positive pressure (PP). The term positive pressure is technically more correct because the device operates on continuous flow versus demand from a regulator, as do the pressure demand, open circuit devices.

2. Footnote (1) on rebreathers, positive pressure, has been modified to state that service life is substantially reduced on all positive pressure, self-contained devices if the device is not properly fitted to the wearer's face. The commenter noted that the service life of all positive pressure self-contained breathing apparatus, not just the rebreathers or closed circuit type, is reduced substantially when perceptible

outward leakage of gas is detected around the mask. Footnote (1) was changed to acknowledge this fact.

Section 20.103, paragraph (d) stating that the Commission may impose further restrictions (1) on the use of respirators rather than process, containment, ventilation, or other engineering controls, and (2) as might be necessary to assure that the respiratory protective program of the licensee is adequate to limit exposure of personnel to airborne radioactive materials, is being deleted. Although that section of the regulations was promulgated in 1976, there has seldom if ever been an occasion to use it. However, if a need arose to restrict the use of respirators beyond what is otherwise stated in the regulations, the Commission has that authority anyway and would deal with those situations on a case-by-case basis.

Because the amendments set forth below relate to a minor, administrative change and because of the Office of the Federal Register's March 1, 1982, deadline for this rule change, the NRC has found that good cause exists for making the rule effective upon publication without the customary 30-day waiting period.

Paperwork Reduction Act Statement

Requirements exist in this rule change for: Written procedures for selection, fitting, and maintenance of respirators, and testing of respirators for operability immediately prior to each use; written procedures regarding supervision and training of personnel and issuance records; and a determination by a physician prior to initial use of respirators, and at least every 12 months thereafter, that the individual wearing respiratory protective equipment is physically capable of wearing the equipment. These requirements have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act, Pub. L. 96-511, Approval No. 3150-0014.

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), it is hereby certified that this rule will not have a significant economic impact upon a substantial number of small entities. This rule change incorporates into the Commission's regulations requirements for an "acceptable" respiratory protection program that were previously incorporated by reference in Regulatory Guide 8.15.

The only licensees identified as having established "acceptable" respiratory protection programs in accordance with 10 CFR 20.103 are power reactor licensees, uranium milling

licensees, fuel fabrication facility licensees, and large radiopharmaceutical companies. These licensees do not fall within the definition of a small business found in the Small Business Size Standards regulations issued at 13 CFR Part 121 by the Small Business Administration, or in section 3 of the Small Business Act, 15 U.S.C. 632, or the definition of a "small entity" at section 601(6) of the Regulatory Flexibility Act.

List of Subjects in 10 CFR Part 20

Byproduct material, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalty, Radiation protection, Reporting requirements, Special nuclear material, Source material, and Waste treatment and disposal.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20 are published as a document subject to codification.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for Part 20 is revised to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 68 Stat. 930, 933, 935, 936, 937, 948, as amended, (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201); secs. 201, as amended, 202, 206, Pub. L. 93-438, 88 Stat. 1242, 1244, 1246, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841, 5842, 5846).

For the purposes of sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273), §§ 20.101, 20.102, 20.103(a) (b), and (f), 20.104 (a) and (b), 20.105(b), 20.106(a), 20.201, 20.202(a), 20.205, 20.207, 20.301, 20.303, 20.304 and 20.305 are issued under sec. 161b, 68 Stat. 948, as amended, (42 U.S.C. 2201(b)); and §§ 20.102, 20.103(e), 20.401-20.407, 20.408(b) and 20.409 are issued under sec. 161o, 68 Stat. 950, as amended, (42 U.S.C. 2201(o)).

2. The authority citations following the sections in, and the Appendix D to, Part 20 listed below are removed.

(Sections 20.1, 20.3, 20.101, 20.102, 20.103, 20.203, 20.401, 20.402, 20.403, 20.405, 20.407, 20.408, 20.601, and Appendix D)

3. In § 20.103, paragraph (c) is revised; paragraph (d) and (f) are removed; paragraph (e) is redesignated paragraph (g); and new paragraphs (d), (e) and (f) are added to read as follows:

§ 20.103 Exposure of individuals to concentrations of radioactive materials in air in restricted areas.

(c) When respiratory protective equipment is used to limit the inhalation of airborne radioactive material pursuant to paragraph (b)(2) of this section, the licensee shall use equipment that is certified or had certification extended by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA). The licensee may make allowance for this use of respiratory protective equipment in estimating exposures of individuals to this material provided that:

(1) The licensee selects respiratory protective equipment that provides a protection factor greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in Appendix B, Table I, Column 1 of this part. The equipment so selected shall be used so that the average concentration of radioactive material in the air that is inhaled during any period of uninterrupted use in an airborne radioactivity area, on any day, by any individual using the equipment, does not exceed the values specified in Appendix B, Table I, Column 1 of this part. For the purposes of this paragraph, the concentration of radioactive material in the air that is inhaled when respirators are worn may be estimated by dividing the ambient concentration in air by the protection factor specified in Appendix A of this part. If the exposure is later found to be greater than estimated, the corrected value shall be used; if the exposure is later found to be less than estimated, the corrected value may be used.

(2) The licensee maintains and implements a respiratory protection program that includes, as a minimum: air sampling sufficient to identify the hazard, permit proper equipment selection and estimate exposures; surveys and bioassays as appropriate to evaluate actual exposures; written procedures regarding selection, fitting, and maintenance of respirators, and testing of respirators for operability immediately prior to each use; written procedures regarding supervision and training of personnel and issuance records; and determination by a physician prior to initial use of respirators, and at least every 12 months thereafter, that the individual user is physically able to use the respiratory protective equipment.

(3) A written policy statement on respirator usage shall be issued covering

such things as: use of practicable engineering controls instead of respirators; routine, nonroutine, and emergency use of respirators; and periods of respirator use and relief from respirator use. The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other condition that might require such relief.

(4) The licensee uses equipment within limitations for type and mode of use and provides proper visual, communication, and other special capabilities (such as adequate skin protection) when needed.

(d) Unless otherwise authorized by the Commission, the licensee shall not assign protection factors in excess of those specified in Appendix A of this part in selecting and using respiratory protective equipment. The Commission may authorize a licensee to use higher protection factors on receipt of an application (1) describing the situation for which a need exists for higher protection factors, and (2) demonstrating that the respiratory protective equipment will provide these higher protection factors under the proposed conditions of use.

(e) Where equipment of a particular type has not been tested and certified, or had certification extended, by NIOSH/MSHA, or where there is no existing schedule for test and

certification of certain equipment, the licensee shall not make allowance for this equipment without specific authorization by the Commission. An application for this authorization must include a demonstration by testing, or on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

(f) Only equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA shall be used as emergency devices.

* * * * *

4. A new Appendix A is added to Part 20 to read as follows:

APPENDIX A.—PROTECTION FACTORS FOR RESPIRATORS *

Description *	Modes *	Protection factors *		Tested and certified equipment—National Institute for Occupational Safety and Health/Mine Safety and Health Administration tests for permissibility
		Particulates only	Particulates, gases and vapors *	
I. Air-purifying respirators: ¹				
Facepiece, half-mask *	NP	10		30 CFR Part 11, Subpart K.
Facepiece, full	NP	50		
Facepiece, half-mask, full, or hood	PP	1,000		
II. Atmosphere-supplying respirators				
1. Air-line respirator:				
Facepiece, half-mask	CF		1,000	
Facepiece, half-mask	D		5	
Facepiece, full	CF		2,000	
Facepiece, full	D		5	30 CFR Part 11, Subpart J.
Facepiece, full	PD		2,000	
Hood	CF		(²)	
Suit	CF		(²)	(²)
2. Self-contained breathing apparatus (SCBA):				
Facepiece, full	D		50	
Facepiece, full	PD		* 10,000	30 CFR Part 11, Subpart H.
Facepiece, full	RD		50	
Facepiece, full	RP		³ 5,000	
III. Combination respirator: Any combination of air-purifying and atmosphere-supplying respirators.			=	30 CFR Part 11, § 11.63(b).

* For use in the selection of respiratory protective devices to be used only where the contaminants have been identified and the concentrations (or possible concentrations) are known.

¹ Only for shaven faces and where nothing interferes with the seal of tight-fitting facepieces against the skin. (Hoods and suits are excepted.)

² The mode symbols are defined as follows: CF—continuous flow; D—demand; NP—negative pressure (i.e., negative phase during inhalation); PD—pressure demand (i.e., always positive pressure); PP—positive pressure; RD—demand, recirculating (closed circuit); RP—positive pressure, recirculating (closed circuit).

³ The protection factor is a measure of the degree of protection afforded by a respirator, defined as the ratio of the concentration of airborne radioactive material outside the respiratory protective equipment to that inside the equipment (usually inside the facepiece) under conditions of use. It is applied to the ambient airborne concentration to estimate the concentrations inhaled by the wearer according to the following formula:

$$\text{Concentration inhaled} = \frac{\text{Protection factor}}{\text{Ambient airborne concentration}}$$

⁴ The protection factors apply:

(a) Only for trained individuals wearing properly fitted respirators used and maintained under supervision in a well-planned respiratory protective program.

(b) For air-purifying respirators only when high efficiency particulate filters (above 99.97% removal efficiency by thermally generated 0.3 μ m dioctyl phthalate (DOP) test) are used in atmospheres not deficient in oxygen and not containing radioactive gas or vapor respiratory hazards.

(c) No allowance is to be made for the use of sorbents against radioactive gases or vapors.

(d) For atmosphere-supplying respirators only when supplied with adequate respirable air. Respirable air shall be provided of the quality and quantity required in accordance with NIOSH/MSHA certification (described in 30 CFR Part 11). Oxygen and air shall not be used in the same apparatus.

⁵ Excluding radioactive contaminants that present an absorption or submersion hazard. For tritium oxide, approximately one half of the intake occurs by absorption through the skin so that an overall protection factor of less than 2 is appropriate when atmosphere-supplying respirators are used to protect against tritium oxide. If the protection factor for a device is 5, the effective protection factor for tritium is about 1.4; for devices with protection factors of 10 the effective factor for tritium oxide is about 1.7; and for devices with protection factors of 100 or more the effective factor for tritium oxide is about 1.9. Air-purifying respirators are not suitable for protection against tritium oxide. See also footnote 1 concerning supplied-air suits.

⁶ Canisters and cartridges shall not be used beyond service-life limitations.

⁷ Under-chin type only. This type of respirator is not satisfactory for use where it might be possible (e.g., if an accident or emergency were to occur) for the ambient airborne concentration to reach instantaneous values greater than 10 times the pertinent values in Table 1, Column 1 of Appendix B of this part. This type of respirator is not suitable for protection against plutonium or other high-toxicity materials. The mask shall be tested for fit with irritant smoke, prior to use, each time it is donned.

⁸ Equipment shall be operated in a manner that ensures that proper air flow-rates are maintained. A protection factor of no more than 1000 may be used for tested-and-certified supplied-air hoods when a minimum air flow of 6 cubic feet per minute is maintained and calibrated airline pressure gauges or flow measuring devices are used. A protection factor of up to 2000 may be used for tested and certified hoods only when the air flow is maintained at the manufacturer's recommended maximum rate for the equipment, this rate is greater than 6 cubic feet per minute, and calibrated airline pressure gauges or flow measuring devices are used.

⁹ The design of the supplied-air hood or helmet (with a minimum flow of 6 cfm of air) may determine its overall efficiency and the protection it provides. For example, some hoods aspirate contaminated air into the breathing zone when the wearer works with hands-over-head. This aspiration may be overcome if a short cape-like extension to the hood is worn under a coat or overalls. Other limitations specified by the approval agency shall be considered before using a hood in certain types of atmospheres, such as the design and its permeability to the contaminant under conditions of use.

¹⁰ Appropriate protection factors shall be determined (see 20.103(e)), taking into account the design of the suit and its permeability to the contaminant under conditions of use. There shall be a standby rescue person equipped with self-contained breathing apparatus and communications equipment whenever supplied-air suits are used.

¹¹ No approval schedules are currently available for this equipment. Equipment shall be evaluated by testing or on the basis of reliable test information.

¹² This type of respirator may provide greater protection and be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure such as skin absorption shall be taken into account in these circumstances.

¹³ Quantitative fit testing shall be performed on each individual and no more than 0.02% leakage is allowed with this type of apparatus. Perceptible outward leakage of gas from this or any positive pressure self-contained breathing apparatus is unacceptable because service life will be reduced substantially. Special training in the use of this type of apparatus shall be provided to the wearer (see footnote k).

¹⁴ Protection factor for type and mode of operation as listed above.

Note 1.—Protection factors for respirators, as may be approved by the U.S. Bureau of Mines/National Institute for Occupational Safety and Health (NIOSH) according to applicable approvals for respirators for type and mode of use to protect against airborne radionuclides, may be used to the extent that they do not exceed the protection factors listed in this table. The protection factors listed in this table may not be appropriate to circumstances where chemical or other respiratory hazards exist in addition to radiological hazards. The selection and use of respirators for these circumstances should take into account applicable approvals of the U.S. Bureau of Mines/NIOSH.

Note 2.—Radioactive contaminants for which the concentration values in Table 1, column 1, Appendix B of this part are based on internal dose due to inhalation may, in addition, present external exposure hazards at higher concentrations. Under these circumstances, limitations on occupancy may have to be governed by external dose limits.

Dated at Bethesda, Md. this 25th day of March 1982.

For the Nuclear Regulatory Commission,
William J. Dircks,

Executive Director for Operations.

[FR Doc. 82-10366 Filed 4-14-82; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 417

Wind Energy Technology Application Program

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE), in accordance with a statutory mandate, today issues final program rules for soliciting and processing applications by non-Federal public and private entities for grants or cooperative agreements to purchase and install large wind energy systems (more than 100 kilowatt rated capacity) under section 6 of the Wind Energy Systems Act of 1980 (Pub. L. 96-345). These rules are being issued now only because they are required by law. DOE believes that direct financial assistance would be unnecessary and wasteful because tax credits and market conditions are providing sufficient incentives for the private sector to purchase and install large wind energy systems. DOE intends to oppose funding under these rules.

EFFECTIVE DATE: May 17, 1982, except §§ 417.23 and 417.26 which contain information collection requirements which will not be effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT:

Peter Goldman, Office of Conservation and Renewable Energy, Wind Energy Systems Division, 1000 Independence Avenue, SW., Room 5F-081, Washington, D.C. 20585, (202) 252-1995

Neal J. Strauss, Carol A. Cowgill, Office of General Counsel, 1000 Independence Avenue, SW., Room 6B-158, Washington, D.C. 20585, (202) 252-9513

SUPPLEMENTARY INFORMATION: The rules being issued today were published in a notice of proposed rulemaking which appeared in the July 8, 1981 *Federal Register* (46 FR 35468). The public hearing on the proposed rules scheduled for August 25, 1981 was cancelled because there were no requests to speak. During the public comment period, the Department of Energy received only one written comment which contained no recommendations for changing the proposed rules.

The rules DOE adopts today establish procedures for soliciting and processing applications for financial assistance in the form of grants or cooperative agreements for the Wind Energy Technology Application Program required to be established by section 6 of the Wind Energy Systems Act of 1980 (Act) (Pub. L. 96-345). The Act does not contemplate funding or issuance of solicitations for this program until the mid-1980's. If the program is eventually implemented, the Act authorizes DOE to award financial assistance to non-Federal public and private entities for the purchase and installation of commercial large wind energy systems with more than 100 kilowatts rated capacity. The congressionally stated objectives of the program are to achieve a reduction in large wind energy systems unit costs through mass production, and to identify operation and maintenance costs for large wind energy systems.

DOE wishes to emphasize that it does not believe the Federal government should be extending direct financial assistance to promote purchase and installation of commercial wind energy systems. Because market conditions and tax credits will provide sufficient incentives for private investment in such systems, direct Federal financial assistance would be unnecessary and wasteful. DOE intends to seek appropriate legislation to ensure that Federal money not be spent as is contemplated by the Act. Pending enactment of this legislation, DOE will comply with its obligations under the Act.

Since no recommendations for substantive changes were received in

response to the notice of proposed rulemaking, the final rule is being issued exactly as it was proposed.

Today's rule was reviewed under Executive Order 12291 (February 17, 1981). DOE has concluded that it is not a "major rule" because, even if implemented, it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in the final rule have been or will be submitted for approval to the Office of Management and Budget. They are not effective until OMB approval has been obtained.

The Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*) requires that a final regulatory flexibility analysis be prepared with respect to a final rule unless the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. In the preamble to the notice of proposed rulemaking, DOE invited small entities and other interested persons to comment on the potential economic impact the proposed rule would have on small entities, if implemented. In response to this invitation, no comments were received that indicated the proposed rule would have any economic impact on small entities. DOE believes that this rule, if implemented would have a significant economic impact on not more than a few small entities. Accordingly, DOE hereby certifies that this rule will not have a significant economic impact on substantial number of small entities.

DOE has concluded that promulgation of these regulations does not require preparation of an environmental assessment or of an environmental impact statement under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.* (1970)), the Council on Environmental Quality regulations (40 CFR Parts 1500-1506), and the DOE guidelines (45 FR 20694, March 28, 1980). The regulations are procedural in nature and their issuance will not result in a predictable significant environmental impact. In conjunction with the Comprehensive

Program Management Plan which is required by the Act, work on programmatic environmental assessment was begun. In the event that financial assistance is ever awarded under these rules, DOE would complete any appropriate NEPA site specific documentation that may be required.

List of Subjects in 10 CFR Part 417

Energy conservation, Renewable energy, Grant program/energy, Large wind energy systems.

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended by establishing a new Part 417 as follows.

Issued in Washington, D.C., April 7, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 417—WIND ENERGY TECHNOLOGY APPLICATION PROGRAM

Subpart A—General

Sec.

- 417.1 Purpose and scope.
- 417.2 Definitions.
- 417.3 Establishment of program.
- 417.4 Eligibility requirements.
- 417.5 Applicability of DOE Assistance Regulations.
- 417.6 Solicitation procedures.
- 417.7 Debriefing.
- 417.8 Property.
- 417.9-417.20 [Reserved]

Subpart B—Financial Assistance for Large Wind Energy Systems

- 417.21 Scope.
- 417.22 Funding limitation.
- 417.23 Application requirements.
- 417.24 Allowable project costs.
- 417.25 Evaluation criteria.
- 417.26 Monitoring and reporting requirements.
- 417.27 Visitation.

Authority: Sec. 6, Pub. L. 96-345, 94 Stat. 1142 (42 U.S.C. 9205); 41 U.S.C. 506(a).

Subpart A—General

§ 417.1 Purpose and scope.

The purposes of this part are to establish a wind energy technology application program under section 6 of the Wind Energy Systems Act of 1980 (Pub. L. 96-345) and to set forth the procedures and requirements for the award and administration of financial assistance (in the form of grants or cooperative agreements) to public and private entities for the purchase and installation of large wind energy systems and data-gathering on operation and maintenance of such systems. The procedures and requirements of this Part do not apply to the research, development, and demonstration

projects eligible to receive DOE financial assistance under the Act, to loans to finance purchase and installation of large wind energy systems, or to arrangements made by DOE with other Federal agencies for the procurement of wind energy systems.

§ 417.2 Definitions.

For the purposes of this part—

"Act" means the Wind Energy Systems Act of 1980, Pub. L. 96-345.

"Conventional energy source" means energy produced from oil, gas, coal, or nuclear fuels.

"DOE" means the Department of Energy.

"Feasibility study" means a study to determine the technical and economic feasibility and institutional and environmental acceptability of undertaking a project to purchase and install a wind energy system at a specific site.

"Financial assistance" means a grant or cooperative agreement.

"Normal operation" means the unattended operation of the wind energy system after installation and debugging and putting energy from the system on line.

"Operating and maintenance costs" means those costs incurred after commencement of normal operation associated with maintaining a wind energy system so that it continues to perform satisfactorily over its design lifetime.

"Peak generating capacity" means the maximum power output a wind system is capable of producing in normal operation.

"Public or private entity" means any individual, corporation, partnership, firm, association, agricultural cooperative, public or investor owned utility, public or private institution or group, and state or local government agency, or any other domestic entity.

"Secretary" means the Secretary of Energy.

"Small Wind energy system" means a wind energy system designed to produce a peak generating capacity of one hundred kilowatts or less.

"State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States including the Trust Territory of the Pacific Islands.

"Wind energy system" means a system of components which converts the kinetic energy of the wind into electricity or mechanical power and which comprises all necessary components including energy storage,

power conditioning, control systems, and transmission systems, where appropriate, to provide electricity or mechanical power for residential, agricultural, commercial, industrial, utility or governmental use.

§ 417.3 Establishment of program.

(a) The Wind Energy Technology Application Program is established under this part and shall be administered by the Assistant Secretary of Conservation and Renewable Energy of DOE.

(b) DOE shall not issue any solicitation or award any financial assistance related to large wind energy systems under this Part after finding, in accordance with section 6 of the Act, that such systems have become economically competitive with conventional energy sources or on September 30, 1988, whichever occurs first.

§ 417.4 Eligibility requirements.

Any public or private entity is eligible to receive assistance under this Part for a project located within a State which involves one or more large wind energy systems, each of which has a peak generating capacity of greater than one hundred kilowatts.

§ 417.5 Applicability of DOE Assistance Regulations.

Except as otherwise provided in these rules, the award and administration of financial assistance under this part are subject to the requirements of the DOE Assistance Regulations, 10 CFR Part 600.

§ 417.6 Solicitation procedures.

(a) Subject to the availability of appropriated funds or to termination of all or part of the program, as provided in § 417.3(b), DOE may issue solicitations under this section as often as it deems appropriate. DOE shall not consider any unsolicited proposal for assistance under this Part.

(b) Subsequent to publishing a notice of availability under paragraph (c) of this section, DOE shall solicit pre-applications and/or applications for the award of financial assistance under this Part by issuing a solicitation providing the following information:

(1) Program name, reference title and number of this program in the Catalog of Federal Domestic Assistance, citations to these rules, and to the statutory authority for this program;

(2) Name and address of the DOE official or office to which the application should be mailed or delivered;

(3) Deadlines for submitting pre-applications and applications, and for

completing reviews under Part I of OMB Circular A-95;

(4) Number of copies, not exceeding three, of pre-applications and/or applications required to be submitted.

(5) A description of how DOE will treat late applications, and how DOE intends to dispose of applications that do not result in the award of financial assistance;

(6) Total amount of DOE funds available for award under the solicitation, the maximum amount of DOE assistance that may be awarded to an individual recipient, and the minimum amount of cost sharing required to be provided by the applicant;

(7) A statement advising applicants that, except as otherwise provided in these rules, the award and administration of financial assistance under this Part are subject to the DOE Assistance Regulations, 10 CFR Part 600;

(8) A statement advising that information submitted to DOE in pre-applications and applications is subject to reproduction or disclosure to others under the DOE regulations implementing the Freedom of Information Act, 5 U.S.C. 552, 10 CFR Part 1004;

(9) A statement advising that the award and administration of financial assistance under this Part are subject to the requirements of 10 CFR Part 1022 (Compliance with Floodplain/Wetlands Environmental Review Requirements) and the requirements of 10 CFR Part 1040 (Non-discrimination in Federally Assisted Programs);

(10) Date, time and location of any pre-application briefing;

(11) A statement advising applicants of the availability of the debriefing procedure under § 417.7;

(12) A statement indicating whether DOE intends to award the financial assistance in the form of grants, cooperative agreements, or a combination of these instruments;

(13) A description of the eligibility requirements applicable to the solicitation;

(14) An explanation of the criteria that will be used to evaluate applications and the ranking of such evaluation criteria;

(15) A summary of and references to the standard terms and conditions that will be included in the financial assistance agreement;

(16) Name, address, and telephone number of the DOE official from whom applicants may obtain applications and additional information, including copies of these rules and any materials referred to in the solicitation.

(c) Prior to issuing a program solicitation, DOE shall publish in the

Federal Register and Commerce Business Daily a Notice of Availability, including but not limited to the information described in § 417.6(c) (1), (6), (12), (13), and (14).

(d) Whenever necessary to assure adequate publicity and widespread participation, DOE may publish a copy or notice of the solicitation in trade and professional journals and in newspapers, and may mail copies or notices directly to potential applicants.

(e) In any solicitation issued under this section, DOE reserves the right to award financial assistance to any, all, or none of the applicants.

§ 417.7 Debriefing.

Upon the written request of an applicant whose application has been disapproved, DOE may schedule a telephone conference or a meeting for the purpose of explaining why the applicant's project was not approved for assistance under this part. Such debriefing must be requested within 30 days after date of the written notification of DOE disapproval.

§ 417.8 Property.

Unless otherwise provided in the assistance agreement, title to wind data-gathering equipment and to all large wind energy systems acquired with financial assistance provided under this Part shall vest in the recipient without any further accountability to the Federal government. This section does not affect the obligation of the recipient to comply with the monitoring and reporting requirements of § 417.26 and the visitation requirement of § 417.27.

§ 417.9—§ 417.20 [Reserved]

Subpart B—Financial Assistance for Large Wind Energy Systems

§ 417.21 Scope.

This subpart sets forth special procedures and requirements governing the application and award of financial assistance for the purchase and installation of large wind energy systems, as well as data-gathering and reporting on operation and maintenance of such systems.

§ 417.22 Funding limitation.

Except as otherwise provided by statute enacted subsequent to issuance of these rules,

(a) Before October 1, 1986, the amount of DOE assistance awarded under this subpart may not exceed 50 percent of total allowable project costs; and

(b) After September 30, 1986, the amount of DOE assistance awarded under this subpart may not exceed 25 percent of total allowable project costs.

§ 417.23 Application requirements.

An application for financial assistance to purchase and install a large wind energy system shall include the following:

(a) A project description which includes a feasibility study containing the following elements—

(1) A wind resource assessment based on reliable wind speed data collected and recorded, at the proposed site, by an acceptable method and for a minimum period of time which are specified in the program solicitation;

(2) An economic analysis determining the estimated cost of wind-generated energy (cents per kilowatt hour) as a function of—

(i) The available wind resources;

(ii) The anticipated performance of the large wind energy system;

(iii) The estimated costs of site acquisition and preparation, wind energy system purchase and installation, interconnection and transmission, and operation and maintenance; and

(iv) The estimated revenues or value to be derived from wind-generated energy;

(3) A marketing plan which identifies prospective purchasers and estimates the volume of sales of wind-generated energy;

(4) An engineering analysis identifying—

(i) The optimum location;

(ii) Configuration;

(iii) Expected system performance; and

(iv) Plans for site preparation, transportation of system components to the site, installation, power system interconnection and operation;

(5) A power system integration plan describing—

(i) Components and subsystems; and

(ii) The schedule and procedures to be undertaken to comply with requirements of relevant regulatory and financial institutions;

(6) A site development plan describing the schedule and procedures for acquiring—

(i) Licenses;

(ii) Permits; and

(iii) Any necessary property interests including land, structures, rights-of-way, access roads, and air rights;

(7) An environmental analysis evaluating all potential adverse environmental effects of installation and operation and determining alternative, cost-effective mitigating procedures;

(8) A health and safety analysis identifying occupational and public health and safety issues associated with installation and operation, and

determining alternative cost-effective mitigating procedures; and

- (9) A financing plan identifying—
 (i) Sources and amounts of financing for construction and operation;
 (ii) A cash flow statement for the first five-years of system operation;
 (iii) Assumptions regarding interest rates, tax liabilities, and debt amortization.

(b) The number and type of proposed large wind energy systems to be purchased and installed including meteorological equipment;

(c) The names, addresses, qualifications, and experience of the manufacturers, designers, and installers of the principal components of the proposed large wind energy system, including meteorological equipment;

(d) The number, length, voltage, interconnection, age, condition and location of any transmission lines to be constructed or modified as part of the project, including any new facilities required to put energy from the wind system on line;

(e) Topographical maps, diagrams, site plan, and photographs showing the location of the proposed project;

(f) A statement indicating whether the applicant has applied for or plans to apply for any other Federal assistance to support the proposed project;

(g) A management plan identifying the major tasks involved in completing the project, the qualifications and responsibilities of key personnel, and the estimated schedule of completion, including projected dates for obtaining necessary permits and licenses; and

(h) A title report or other documentary evidence that the applicant will have access to and be authorized to use the proposed site for at least 30 years following the end of the project period.

§ 417.24 Allowable project costs.

(a) Allowable project costs under this subpart shall include all reasonable and necessary expenses of purchasing and installing a large wind energy system. Such costs shall include expenses incurred for site preparation and for purchase, delivery, storage, assembly, installation, and start-up testing of all essential system components, and for the monitoring and reporting required under § 417.26 of this subpart.

(b) Allowable transmission system costs may not exceed 10 percent of total allowable large wind energy systems costs. If the applicant demonstrates that the existing transmission system is not adequate to transport electricity from a large wind energy system to an electric power grid, the costs of such transmission system may be allowed up

to a maximum of 25 percent of total allowable system costs.

§ 417.25 Evaluation criteria.

(a) Based on information provided in the application and on any other information available to DOE, the criteria used to evaluate applications for assistance under this subpart shall include the following:

(1) Wind resource at the proposed site;

(2) The extent of cost-sharing proposed by the applicant;

(3) Demonstrated level of performance and reliability of the proposed large wind energy system;

(4) Technical and economic feasibility;

(5) Institutional and environmental acceptability;

(6) Commercial readiness of the proposed energy system;

(7) Ability of the applicant to manage the project, to finance its share of the purchase and installation costs, and to pay for the operation and maintenance of the completed system;

(8) Suitability of the proposed site; and

(9) The relative contribution the proposed large wind system would make to the reduction of unit costs of production and the objectives set forth in section 2(b) of the Act.

(b) Assistance applications for large wind energy systems with an aggregate peak generating capacity of less than 30 megawatts shall be evaluated competitively against each other. Applications proposing projects designed to generate 30 megawatts or more of power shall be competitively evaluated against each other.

§ 417.26 Monitoring and reporting requirements.

(a) For five years after the commencement of normal operation, the assistance recipient shall monitor and report to DOE the following data:

(1) Site meteorological data;

(2) System performance and energy produced;

(3) Actual operating and maintenance costs;

(4) Types and quantities of fuel from conventional energy source displaced by the wind-generated energy.

(5) Such other items of data as described in the assistance agreement.

(b) The information required to be reported under this section shall be submitted on a form or consistent with instructions provided by DOE. The reporting frequency established by DOE in the assistance agreement shall not be less frequently than annually nor more frequently than quarterly.

(c) DOE reserves the right to modify the reporting requirements of this section on a case-by-case basis to reflect variations in the nature, size, scope, instrumentation, and management of the assisted project.

(d) The recipient shall make the project site available to authorized DOE employees or agents for the performance, at DOE expense, of on-site sampling, testing, and monitoring.

§ 417.27 Visitation.

The financial assistance agreement shall specify the procedures the recipient will establish for providing opportunities for members of the public to view and inspect the system under reasonable conditions.

[FR Doc. 82-10359 Filed 4-14-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0393]

Rules Regarding Delegation of Authority; Rescission of Authority To Grant Exemptions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule

SUMMARY: The Board is amending its Rules Regarding Delegation of Authority to rescind the authority delegated to the Director of the Division of Consumer and Community Affairs to grant state exemptions from the requirements of the Truth in Lending Act and the Electronic Fund Transfer Act.

EFFECTIVE DATE: April 19, 1982.

FOR FURTHER INFORMATION CONTACT: Rugenia Silver, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3867.

SUPPLEMENTARY INFORMATION: (1) In 1975 and 1980, respectively, the Board delegated authority to the Director of the Division of Consumer and Community Affairs to grant state exemptions from the requirements of the Truth in Lending Act of 1969 and the Electronic Fund Transfer Act. The Board has decided, however, that under the provisions of the Federal Reserve Act, delegation of authority to grant exemptions is not appropriate, and, in light of the limited number of requests for state exemptions, is unnecessary. Therefore, the Board has amended the Rules Regarding Delegation of Authority by rescinding the authority delegated to the Director of

the Division of Consumer and Community Affairs to grant state exemptions from the Truth in Lending Act (12 CFR 265.2(h)(2)) and the Electronic Fund Transfer Act (12 CFR 265.2(h)(4)(ii)).

(2) The Board finds that the notice, opportunity for comment, and deferral of effective date procedures of 5 U.S.C. 553(b) are unnecessary in connection with this proceeding because it relates to agency procedures. For the same reasons, the expanded rulemaking procedures set forth in the Board's policy statement of January 15, 1979 (44 FR 3957), will not be followed in connection with this proceeding.

List of Subjects in 12 CFR Part 265

Authority delegations (Government agencies); Banks, banking; Federal Reserve System.

§ 265.2 [Amended]

(3) Pursuant to the provisions of section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)), the Board hereby amends 12 CFR 265.2 by rescinding and removing paragraphs (h)(2) and (h)(4)(ii), and by redesignating paragraphs (h)(3) and (h)(4)(i) as (h)(2) and (h)(3) respectively.

By Order of the Board of Governors of the Federal Reserve System, April 8, 1982.

William W. Wiles,
Secretary of the Board.

[FR Doc. 82-10184 Filed 4-14-82; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 544

[No. 82-245]

Revision of Application Requirements for Corporate Titles and Office Relocations; Correction

Dated: April 9, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; correction.

SUMMARY: This document corrects a paragraph designation contained in final regulations relating to the Board's new procedures for corporate title changes and office relocations of federally chartered savings and loan associations.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, (202) 377-6444.

On March 24, 1982, the Federal Home Loan Bank Board adopted regulations providing new procedures for corporate

title changes and office relocations of federal savings and loan associations (FHLBB Resolution No. 82-192; 47 FR 13505, published March 31, 1982.) The final rule purported to add a new paragraph (h) to 12 CFR 544.2; however, a paragraph (h) had already been created by a final rule published on January 28, 1982 (47 FR 4048).

PART 544—CHARTER AND BYLAWS

§ 544.2 [Corrected]

Accordingly, the Board is correcting FR Doc. 82-8687, appearing at 47 FR 13505, March 31, 1982, by redesignating new paragraph (h) of 12 CFR 544.2 as new paragraph (i).

(12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.
Thomas P. Vartanian,
General Counsel.

[FR Doc. 82-10341 Filed 4-14-82; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-ANW-9]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of VOR Federal Airways; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects a final rule that altered the descriptions of several federal airways in the vicinity of Yakima, WA, as published in the Federal Register on March 22, 1982, (47 FR 12155). Inadvertently, V-298 between Yakima and Pasco, WA, was not described properly and this action corrects that error, thereby eliminating confusion and dual airway designation.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

The Rule

The purpose of this correction to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to correct the description of V-298 between Yakima, and Pasco, WA.

Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Federal airways.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, FR Doc. 82-7600 as published in the Federal Register on March 22, 1982, is amended, effective 0901 G.m.t., April 15, 1982, as follows:

V-298 [Amended]

By deleting the entire paragraph under No. 4 and substituting the following:

By deleting the words "including a north alternate from Yakima to Pasco;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, DC, on April 9, 1982.

B. Keith Potts,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 82-10267 Filed 4-14-82; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-68]

Alteration of Transition Area; Leeville, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Leeville, LA. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Caillou Island Seaplane Base. This amendment is necessary since new instrument operations will be conducted arriving/departing the seaplane base.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On December 31, 1981, a notice of proposed rulemaking was published in the *Federal Register* (46 FR 63317) stating that the Federal Aviation Administration proposed to alter the Leeville, LA, transition area. By error the proposal was also published in the *Federal Register* on March 1, 1982 (47 FR 8595). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. However, Mr. H. O. Moore, Manager, Aircraft Operations, Chevron U.S.A., Inc., commented that he was concerned on the mixed instrument flight rule (IFR) traffic and visual flight rule (VFR) traffic in the vicinity. He also stated that his company operated 5 helicopters in an area approximately 15 miles northeast of the Caillou Island Seaplane Base, which generated 350 flights each day.

Discussion of Comments

The FAA, in considering Mr. H. O. Moore's comments and the location of the Chevron U.S.A., Inc., operations as outlined, concludes that the instrument approach procedure to the Caillou Island Seaplane Base and the designation of the transition area will not have an impact on IFR/VFR operations and that current regulations provide the necessary protection of aircraft. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.m.t., May 13, 1982, by adding the following:

Leeville, LA

... and within a 5-mile radius of the Caillou Island Seaplane Base (latitude 29°06'20" N., longitude 90°28'40" W.) and within 2.5 miles each side of the 258° radial of the Leeville VORTAC extending from the 5-mile radius area to 16 miles west of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c),

Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. It is certified that the rule will not have a significant economic impact on a substantial number of small entities as the anticipated impact is minimal.

Issued in Fort Worth, TX, on April 6, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-10262 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 82-ANM-4]

Designation of VOR Federal Airway and Establishment of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The Canadian Government has requested the designation of an airway/jet route from Bellingham, WA, to Kelowna, British Columbia. The Bellingham VORTAC is approximately 3 nautical miles (NM) from the Canadian border. Operations between Bellingham and Kelowna are entirely within Canadian airspace except for the 3 NM segment within the United States. The required flight inspection data to certify the airway/jet route alignment has been completed. These actions support the Canadian Government's request.

DATES: Effective date: July 8, 1982; comments must be received on or before May 17, 1982.

ADDRESSE: Send comments on the rule in triplicate to: Director, FAA Northwest Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 82-ANM-4, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, WA 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, S.W., Washington, D.C.

An informal docket may also be examined during normal business hours

at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although these actions are in the form of a final rule, which involves designation of an airway and the establishment of a jet route to support a request submitted by the Canadian Government, and, thus, were not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of these amendments to §§ 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to designate VOR Federal Airway V-509 and Jet Route/High Level 591 between Bellingham, WA, and Kelowna, British Columbia, Canada. These amendments support the Canadian request for controlled airspace. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in the *Federal Register* on January 2, 1981 (46 FR 409 and 834). Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to designate VOR Federal Airway V-509 and Jet Route/High Level J/HL 591 between Bellingham, WA, and Kelowna, British Columbia, Canada. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making these amendments effective July 8, 1982.

List of Subjects in 14 CFR Parts 71 and 75

Federal airways and Jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (46 FR 409 and 834), are amended, effective 0901 G.m.t., July 8, 1982, as follows:

Section 71.123 by adding:

V-509 [New]

V-509 From Bellingham, WA; to Kelowna, BC, Canada. The segment within Canada is excluded.

Section 75.100 by adding:

Jet Route No. 591 [New]

Jet Route No. 591 From Bellingham, WA; to Kelowna, BC, Canada. The segment within Canada is excluded.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, DC, on April 9, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-10263 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 82-ASO-4]

Special Use Airspace; Alteration of Restricted Areas R-2924, R-2925, Cape Kennedy, FL; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: Minor errors were noted in the description of the boundaries amending Restricted Areas R-2924 and R-2925, Cape Kennedy, FL, published in the Federal Register (47 FR 11654) on

March 18, 1982. This action corrects those errors.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

FR Doc. 82-7031 was published on March 18, 1982, which alters the internal boundaries of Restricted Areas R-2923, R-2924, R-2925, and R-2926, Cape Kennedy, FL, that provides increased protection for the space transportation system (space shuttle) and associated airborne aircraft during shuttle processing operations at the Kennedy Space Center. Errors were noticed in the coordinates describing the amended boundaries of R-2924 and R-2925, and this action corrects those errors.

The Rule

The purpose of this amendment to § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to correct the description of the boundaries of Restricted Areas R-2924 and R-2925, Cape Kennedy, FL. Section 73.29 of Part 73 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 73

Restricted areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, FR Doc. 82-7031 as published in the Federal Register on March 18, 1982, is amended, effective 0901 G.m.t., April 15, 1982, as follows:

R-2924, Cape Kennedy, FL [Amended]

By revising the boundaries to read as follows:

Boundaries. Beginning at lat. 28°34'00" N., long. 80°35'45" W.; to lat. 28°34'00" N., long. 80°30'47" W.; thence 3 NM from and parallel to the shoreline; to lat. 28°24'30" N., long. 80°30'30" W.; to lat. 28°24'30" N., long. 80°38'00" W.; thence to point of beginning.

Designated altitudes, times of designation, controlling agency, and using agency remain unchanged.

R-2925, Cape Kennedy, FL [Amended]

By revising the boundaries to read as follows:

Boundaries. Beginning at lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°41'40" N., long. 80°35'00" W.; thence 3 NM from and parallel to the shoreline; to lat. 28°24'30" N., long. 80°30'30" W.; to lat. 28°24'30" N., long. 80°38'00" W.; to lat. 28°34'00" N.,

long. 80°35'45" W.; to lat. 28°34'00" N., long. 80°39'30" W.; thence to point of beginning.

Designated altitudes, times of designation, controlling agency, and using agency remain unchanged.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 9, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-10266 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 205

[Regulation ER-1282; Docket 37531]

Aircraft Accident Liability Insurance; Correction

AGENCY: Civil Aeronautics Board.

ACTION: Correction to final rule.

SUMMARY: The CAB set standards for minimum insurance coverage for damages to passengers and third parties because of aircraft accident liability and required notice of cargo liability limits and insurance (46 FR 52572, October 27, 1981). By an editorial amendment (ER-1282, 47 FR 4982, February 3, 1982), the cargo liability notice requirement was corrected by removing the word "accident." This document corrects that amendment by putting back in the phrase "and the limits on the extent of its liability" in the requirement, which was removed by mistake.

DATES: Effective: January 29, 1982.

Adopted: January 29, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel (202-673-5442); Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

List of Subjects in 14 CFR Part 205

Air carriers, Aircraft, Freight, Insurance.

PART 205—AIRCRAFT ACCIDENT LIABILITY INSURANCE

14 CFR 205.8 is corrected to read:

§ 205.8 Cargo liability disclosure statement.

Every direct U.S. or foreign air carrier providing air cargo service in air transportation shall give notice in writing to the shipper, when a shipment is accepted, of the existence or absence of cargo liability insurance, and the limits on the extent of its liability, if any. The notice shall be clearly and conspicuously included on or attached to all of its rate sheets and airwaybills.

Dated: April 7, 1982.

Phyllis T. Kay, Jr.,
Secretary.

[FR Doc. 82-10358 Filed 4-14-82; 8:45 am]
BILLING CODE 6320-01-M

COMMODITY FUTURES TRADING COMMISSION**17 CFR Part 140****Display of Office of Management and Budget (OMB) Control Numbers for Reporting and Recordkeeping Requirements**

AGENCY: Commodity Futures Trading Commission.

ACTION: Technical amendment.

SUMMARY: This document amends the Commodity Futures Trading Commission regulations to include an OMB control number for 17 CFR 140.735-10, where current information collection requirements are described.

EFFECTIVE DATE: April 7, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph G. Salazar, CFTC Clearance Officer, Commodity Futures Trading Commission, 2033 K Street, NW., Room 401, Washington, D.C. 20581, (202) 254-9735.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission amended its regulations to include OMB control numbers at the places in the regulations where current information collection requirements are described, effective December 30, 1981. (See 46 FR 63035, December 30, 1981.)

At that time, an OMB control number had been requested for 17 CFR 140.735-10. On March 19, 1982, OMB control number 3038-0025 was approved through March 31, 1985. In consideration thereof, the Commission hereby further

amends Chapter 1 of Title 17 of the Code of Federal Regulations by adding parenthetically "(OMB number 3038-0025)" following the text of § 140.735-10 of Chapter I.

The foregoing amendment is effective immediately. The amendment is made for purposes of compliance with the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35, contain no substantive changes and, therefore, the Commission finds that notice and other procedures called for by 5 U.S.C. 553 are not required.

Issued in Washington, D.C. on April 7, 1982, by the Commission.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 82-10343 Filed 4-14-82; 8:45 am]
BILLING CODE 6351-01-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 87**

[CGD 81-007]

Annex IV to Inland Navigation Rules; Distress Signals

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These final regulations designate signals to be used exclusively for indicating distress and need of assistance on United States inland waters. The list of designated signals is the same as those used on International Rules waters, with the addition of a "strobe light" signal. This high intensity light which flashes 50 to 70 times per minute, will be recognized as a distress signal on United States inland waters.

EFFECTIVE DATES: The effective date of this regulation on all United States inland waters except the Great Lakes is May 17, 1982; the effective date of this regulation on the Great Lakes is March 1, 1983.

FOR FURTHER INFORMATION CONTACT: LCDR Kent Kirkpatrick, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593, (202) 245-0108.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published on July 16, 1981 (46 FR 37010). Interested persons were given until October 14, 1981 to submit comments. A public hearing was held on January 6, 1982, to receive oral comments.

Drafting Information

The principal persons involved in drafting this rulemaking are LCDR Kent

Kirkpatrick, Project Manager, Office of Navigation, and LT Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of Comments

Comments were received from 25 sources. All of the comments related to the use of the "strobe light" as a signal indicating distress and need of assistance. The proposed Annex IV included as a distress signal "a high intensity white light flashing at regular intervals from 50 to 70 times per minute" (most strobe lights on the market today flash from 50 to 70 times per minute). Several of the comments, however, addressed a proposed amendment to Rule 36 of the International Navigation Rules (72 COLREGS) which was adopted by the Inter-Governmental Maritime Consultative Organization (IMCO) and which would virtually prohibit the use of strobe lights as a signal to attract attention on 72 COLREGS waters. That amendment would not, however, prohibit the use of strobe lights to indicate distress.

A majority of the commenters noted that, aside from the particular message intended by the signal, strobe lights could be easily seen on the water and were very effective as attention getters. Various commenters praised the strobe light as being reliable, easy to maintain, simple to operate, self-tending, safe, capable of operating for long periods of time, of small size, power efficient, convenient, and detectable both by night and day. The Coast Guard recognizes that these qualities are virtues in a distress signaling device.

A number of commenters noted that strobe lights are already widely used and that they have been instrumental in the rescue of many pilots downed at sea and boaters in distress. Strobe lights have already been approved by the Coast Guard as personal flotation device lights under 46 CFR 161.012. That regulation specifies a 50 to 70 flash per minute rate for personal flotation device lights that flash. One commenter noted that strobe lights have frequently been used in conjunction with a radio to facilitate rescues.

As does Annex IV to 72 COLREGS, Annex IV to the Inland Rules prohibits the use of listed signals "except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with" the listed signals. This is to ensure that the meaning of the listed distress signals will be certain and unambiguous. Strobe lights with a 50 to 70 time per minute flash characteristic are now being used both as a distress signal and as a signal

to attract attention or "anti-collision" light. Several commenters acknowledged that strobe lights may have been misused and that the uncontrolled use of strobe lights would be a problem. The restriction on the use of signals listed in Annex IV should minimize this misuse.

A number of commenters, while favoring inclusion of the strobe light in Annex IV, also wished to continue using strobe lights as "anti-collision" lights. Of those who favored the dual use of strobe lights (distress and anti-collision), six suggested that strobe lights having a flash characteristic that would not be confused with the one flash per second distress characteristic could be used as signals to attract attention. Such use of strobe lights would not be prohibited by this final regulation. Five other commenters advocated the use of the same one flash per second strobe light for both distress and anti-collision uses. The commenters urged that the two uses could be distinguished if, for anti-collision use, the strobe light was turned on only for the first 15 seconds of each minute. The Coast Guard has not adopted this latter suggestion because the two signals may be confused under adverse weather and sea conditions. Also, it is likely that many or most of the strobe lights used in the 15 seconds on-45 seconds off mode would require manual operation twice per minute. Such frequent and precisely timed manual operation may require more motivation and effort than most boaters can give.

One commenter stated that inclusion of strobe lights in Annex IV was a violation of 72 COLREGS and the Inland Navigational Rules Act of 1980 because Annex IV to 72 COLREGS does not list a strobe light as a distress signal. While Rule 1(b) of 72 COLREGS states that "Such special [inland] rules shall conform as closely as possible to these Rules", and section 3 of the Inland Navigational Rules Act of 1980 says the inland annexes "shall be as consistent as possible with the respective annexes to the International Regulations", they are not absolute mandates for identical rules. There are many differences throughout the two sets of rules and annexes. These differences account for the special conditions found on inland waterways in some cases and in other cases are part of the process of improving 72 COLREGS.

For the reasons discussed above, the Coast Guard is adopting the proposed Annex IV without change as a final regulation.

Regulatory Analysis

These regulations were reviewed in accordance with the "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of May 22, 1980) in the Notice of Proposed Rulemaking (46 FR 37010) and were determined to be non-significant. The regulations were also found to be non-major under the criteria established in Executive Order 12291. No information has been received which alters those determinations or the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601) certification of no significant impact, which was also published in the same Notice of Proposed Rulemaking.

List of Subjects in 33 CFR Part 87

Navigation (water), Treaties, Waterways.

In consideration of the foregoing, a new Part 87, Subchapter E, of Title 33 of the Code of Federal Regulations is added to read as follows:

PART 87—ANNEX IV, DISTRESS SIGNALS

- Sec.
87.1 Need of assistance.
87.3 Exclusive use.
87.5 Supplemental signals.

Authority: Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071, 49 CFR 1.46(n)(14)

§ 87.1 Need of assistance.

The following signals, used or exhibited either together or separately, indicate distress and need of assistance:

- A gun or other explosive signal fired at intervals of about a minute.
- A continuous sounding with any fog-signaling apparatus;
- Rockets or shells, throwing red stars fired one at a time at short intervals;
- A signal made by radiotelegraphy or by any other signaling method consisting of the group . . . — — — . . . (SOS) in the Morse Code,
- A signal sent by radiotelephony consisting of the spoken word "Mayday";
- The International Code Signal of distress indicated by N.C.
- A signal consisting of a square flag having above or below it a ball or anything resembling a ball;
- Flames on the vessel (as from a burning tar barrel, oil barrel, etc.);
- A rocket parachute flare or a hand flare showing a red light;
- A smoke signal giving off orange-colored smoke;
- Slowly and repeatedly raising and lowering arms outstretched to each side;
- The radiotelegraph alarm signal;

- The radiotelephone alarm signal;
- Signals transmitted by emergency position-indicating radio beacons;
- A high intensity white light flashing at regular intervals from 50 to 70 times per minute.

§ 87.3 Exclusive use.

The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

§ 87.5 Supplemental signals.

Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals:

- A piece of orange-colored canvas with either a black square and circle or other appropriate symbol (for identification from the air);
- A dye marker.

(Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071, 49 CFR 1.46(n)(14))

Dated: March 10, 1982.

P. A. Bauman,
Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-10356 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 88

[CGD 80-158]

Annex V to Inland Navigation Rules—Pilot Rules

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing regulations supplementing the new statutory Inland Navigation Rules. These supplemental rules primarily concern navigation lights for special application. The rules are not new, but have been rewritten to make them easier to read and understand, and are being reissued under the new authority of the Inland Navigational Rules Act of 1980.

EFFECTIVE DATES: The effective dates of this regulation on all United States inland waters except the Great Lakes is May 14, 1982; the effective date of this regulation on the Great Lakes is March 1, 1983.

FOR FURTHER INFORMATION CONTACT:
Lcdr. Kent Kirkpatrick, Project Manager,
Office of Navigation, Room 1606, U.S. Coast Guard, 2100 Second Street SW., Washington, D.C. 20593, (202) 245-0108.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking on this subject was published on July 16, 1981 (46 FR 37012). Interested persons were given until September 14, 1981 to submit comments.

Drafting Information

The principal persons involved in drafting this rulemaking are Lcdr. Kent Kirkpatrick, Project Manager, Office of Navigation, and Lt. Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of Comments

Comments from 10 sources were received. Several of the comments submitted to the docket did not directly concern the proposed Annex V, but rather other annexes or the Inland Navigation Rules. Several comments related to one or more of the old pilot rules that were not included among the proposed regulations. The reasons they were not included were discussed in the preamble to the proposed Annex V.

Section 88.05 Copy of Rules. The effective date of this requirement has been delayed to give the public adequate time to obtain a copy of the Inland Navigation Rules.

Section 88.07 Cross signals. This proposed section would have prohibited the exchange of what is known as "cross signals". Two commenters pointed out that this provision is redundant, that Rule 34 specifies the several sequences of signals that are allowed and required, and that answering one blast with two or two with one would be a violation of Rule 34. The Coast Guard agrees that the proposed § 88.07 is a corollary of Rule 34 and so is not adopting it in the final rule.

Section 88.13 Lights on barges at bank or dock. This section prescribes lights for certain barges tied up to the bank of a waterway or to a dock. One commenter suggested that the provisions should also be applied to log rafts as well as to barges because they often present the same hazard. The Coast Guard believes the comment has merit and intends to initiate a separate rulemaking action on that subject. Including a change of that substance in this final rule would not afford the public an ample opportunity to comment on the issue of log raft lighting.

Section 88.13(a)(4) states that barges "not moored parallel to the bank" are required to display the lights described in § 88.13. The words "or dock" are being added to this subparagraph to clarify the requirement. Similarly, "or dock" is being added to § 88.13(b)(1) and (2).

Two commenters noted that the listing in the regulation of well-illuminated areas where barges would be exempt from the lighting requirements of this section is cumbersome. The Coast Guard has reviewed the legal issues involved in exemptions to regulations of this type and has determined that a listing in the Code of Federal Regulations of approved well-illuminated areas is necessary. The final rule therefore requires that each designated well-illuminated area be listed in § 88.13. One of the commenters suggested that if the list was necessary, the name of the facility should be deleted, as the company name changes from time to time even though the lighting at the facility does not change. This latter comment has been adopted.

The proposed exempted provision for well-illuminated areas followed the old regulations and limited the exemption to the Illinois River north of Brandon Lock and Dam at Joliet, Illinois. As this regulation now will apply to all United States inland waters, that geographic limitation is being dropped in the final rule.

Two well-illuminated areas were added to the list after the proposed rule was published (see 46 FR 40873, August 13, 1981). These two areas are being added in the final rule.

Section 88.15 Lights on dredge pipelines. This section prescribes lights for dredge pipelines, and the proposal specified a minimum and a maximum height between which the lights would be displayed. One commenter suggested dropping the minimum height limit, saying that the lower the lights were, the more likely they would be seen against background lights. The Coast Guard agrees generally with the commenter but feels that at some point close to the surface of the water the risk of low lying obstructions outweighs the potential better visibility. The final rule reduces the proposed minimum height from two meters to one.

One commenter noted that under some conditions plastic dredge pipelines sink below the surface (but not to the bottom) and pose a hazard to navigation. The commenter felt there should be a requirement to either weight the pipelines, causing them to sink to the bottom or to support the pipelines at the surface of the water. The commenter observed that the navigation rules might not be the appropriate vehicle for such a requirement, but suggested that some coordinated action should be taken. The Coast Guard agrees and intends to pursue the matter with the Army Corps of Engineers.

Regulatory Analysis

These regulations were reviewed in accordance with the "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of May 22, 1980) in the Notice of Proposed Rulemaking (46 FR 37012) and were determined to be non-significant. The regulations were also found to be non-major under the criteria established in Executive Order 12291. No information has been received which alters those determinations or the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601) certification of no significant impact, which was also published in the same Notice of Proposed Rulemaking.

List of Subjects in 33 CFR Part 88

Navigation (water), Treaties, Waterways.

In consideration of the foregoing, a new Part 88, Subchapter E, of Title 33 of the Code of Federal Regulations is added to read as follows:

PART 88—ANNEX V, PILOT RULES

- Sec.
- 88.01 Purpose and applicability.
 - 88.03 Definitions.
 - 88.05 Copy of rules.
 - 88.09 Temporary exemption from light and shape requirements when operating under bridges.
 - 88.11 Law enforcement vessels.
 - 88.13 Lights on barges at bank or dock.
 - 88.15 Lights on dredge pipelines.

Authority: Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

§ 88.01 Purpose and applicability.

This part applies to all vessels operating on United States inland waters and to United States vessels operating on the Canadian waters of the Great Lakes to the extent there is no conflict with Canadian law.

§ 88.03 Definitions.

The terms used in this part have the same meaning as defined in the Inland Navigational Rules Act of 1980.

§ 88.05 Copy of rules.

After January 1, 1983, the operator of each self-propelled vessel 12 meters or more in length shall carry on board and maintain for ready reference a copy of the Inland Navigation Rules.

§ 88.09 Temporary exemption from light and shape requirements when operating under bridges.

A vessel's navigation lights and shapes may be lowered if necessary to pass under a bridge.

§ 88.11 Law enforcement vessels.

(a) Law enforcement vessels may display a flashing blue light when engaged in direct law enforcement activities. This light shall be located so that it does not interfere with the visibility of the vessel's navigation lights.

(b) The blue light described in this section may be displayed by law enforcement vessels of the United States and the States and their political subdivisions.

§ 88.13 Lights on barges at bank or dock.

(a) The following barges shall display at night and if practicable in periods of restricted visibility the lights described in paragraph (b) of this section—

(1) Every barge projecting into a buoyed or restricted channel.

(2) Every barge so moored that it reduces the available navigable width of any channel to less than 80 meters.

(3) Barges moored in groups more than two barges wide or to a maximum width of over 25 meters.

(4) Every barge not moored parallel to the bank or dock.

(b) Barges described in paragraph (a) of this section shall carry two unobstructed white lights of an intensity to be visible for at least one mile on a clear dark night, and arranged as follows:

(1) On a single moored barge, lights shall be placed on the two corners farthest from the bank or dock.

(2) On barges moored in group formation, a light shall be placed on each of the upstream and downstream ends of the group, on the corners farthest from the bank or dock.

(3) Any barge in a group, projecting from the main body of the group toward the channel, shall be lighted as a single barge.

(c) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this section.

(d) Barges moored in well-illuminated areas are exempt from the lighting requirements of this section. These areas are as follows:

Chicago Sanitary Ship Canal

- (1) Mile 293.2 to 293.9
- (3) Mile 295.2 to 296.1
- (5) Mile 297.5 to 297.8
- (7) Mile 298 to 298.2
- (9) Mile 298.6 to 298.8
- (11) Mile 299.3 to 299.4
- (13) Mile 299.8 to 300.5
- (15) Mile 303 to 303.2
- (17) Mile 303.7 to 303.9
- (19) Mile 305.7 to 305.8
- (21) Mile 310.7 to 310.9
- (23) Mile 311 to 311.2
- (25) Mile 312.5 to 312.6

- (27) Mile 313.8 to 314.2
- (29) Mile 314.6
- (31) Mile 314.8 to 315.3
- (33) Mile 315.7 to 316
- (35) Mile 316.8
- (37) Mile 316.85 to 317.05
- (39) Mile 317.5
- (41) Mile 318.4 to 318.9
- (43) Mile 318.7 to 318.8
- (45) Mile 320 to 320.3
- (47) Mile 320.6
- (49) Mile 322.3 to 322.4
- (51) Mile 322.8
- (53) Mile 322.9 to 327.2

Calumet Sag Channel

- (61) Mile 316.5

Little Calumet River

- (71) Mile 321.2
- (73) Mile 322.3

Calumet River

- (81) Mile 328.5 to 328.7
- (83) Mile 329.2 to 329.4
- (85) Mile 330 west bank to 330.2
- (87) Mile 331.4 to 331.6
- (89) Mile 332.2 to 332.4
- (91) Mile 332.6 to 332.8

Cumberland River

- (101) Mile 126.8
- (103) Mile 191

§ 88.15 Lights on dredge pipelines.

Dredge pipelines that are floating or supported on trestles shall display the following lights at night and in periods of restricted visibility.

(a) One row of yellow lights. The lights must be—

- (1) Flashing 50 to 70 times per minute,
- (2) Visible all around the horizon,
- (3) Visible for at least 2 miles on a clear dark night,
- (4) Not less than 1 and not more than 3.5 meters above the water,
- (5) Approximately equally spaced, and
- (6) Not more than 10 meters apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's length and course.

(b) Two red lights at each end of the pipeline, including the ends in a channel where the pipeline is separated to allow vessels to pass (whether open or closed). The lights must be—

- (1) Visible all around the horizon, and
- (2) Visible for at least 2 miles on a clear dark night, and
- (3) One meter apart in a vertical line with the lower light at the same height above the water as the flashing yellow light.

(Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071, 49 CFR 1.46(n)(14))

Dated: February 25, 1982.

R. A. Bauman,

Rear Admiral, Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-10346 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD 13-82-01]

Seattle Opening Day Yacht Parade and Crew Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This notice establishes a restricted zone in the areas of Union Bay, Portage Bay and Lake Washington on May 1, 1982 from 0800 until 1400. This action is required to permit the conducting of an approved marine event. It is intended to restrict general navigation in the area for the safety of the spectators and participants in the event.

EFFECTIVE DATE: This final rule will be effective from 0800 until 1400 on May 1, 1982.

FOR FURTHER INFORMATION CONTACT:

Lcdr. B. W. Mills, Boating Safety Office, (206) 442-7355.

SUPPLEMENTARY INFORMATION:

On March 8, 1982, the Coast Guard published a Notice Proposed of Proposed Rulemaking in the *Federal Register* for these regulations (47 FR 9863). Interested persons were requested to submit comments and no comments were received. An erroneous citation of the effected section of Code of Federal Regulations was made in the Notice of Proposed Rulemaking. The proper citation is made herein.

This final rule is made effective in less than 30 days because the Coast Guard did not receive notification of the need for this rule early enough to provide for both a 45 day notice of proposed rulemaking comment period and publication of the rule 30 days prior to its effective date.

Drafting Information

The principal persons involved in drafting this proposal are Lcdr. B. W. Mills, USCG, Project Officer, CCGD13 Boating Safety Office, and Lcdr. R. R. Clark, USCG, Project Attorney, CCGD13 Legal Office.

Evaluation

This regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order

2100.0 of 5-22-80). An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Proposed Regulations

In consideration of the foregoing, Part 100 of Title 33 Code of Federal Regulations, is amended by adding the following new section:

§ 100.1307 Lake Washington/Portage Bay/Union Bay/Opening Day Crew Race and Yacht Parade.

(a) This event will take place on May 1, 1982 between the hours of 0800 PDST and 1400 PDST.

(b) The patrol of the described areas will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels on the parade course and in the adjoining water areas immediately prior to, during and after the parade for such time as he finds it necessary for the safe and orderly conduct of the program. Portage Cut will be closed to all traffic except crew shells and vessels in the parade from 1030 PDST until the termination of the yacht parade.

(c) All sailing vessels in the restricted zone participating in the parade shall use propelling machinery for maneuvering. Spinnakers may be used, in addition to propelling machinery, to the extent that control of the vessel is not impaired.

(d) Specific areas restricted to general navigation or anchorage from 0800 PDST until termination of the yacht parade are:

(1) The waters of Portage Bay Southeast of a line running from the Western corner of the pier (Showboat) 70 yards South of 47° 39' N, 122° 18' 40" W 425 yards southwest across Portage Bay to the Northwest corner of the "L" shaped moorage (at the foot of East Shelby St.) at 47° 39' N 122° 18' 52" W.

(2) All waters of Portage Cut (also known as Montlake Cut), to Union Bay Channel Buoy 27 and Union Bay Channel Buoy 28.

(3) All waters between an East and West line connecting Union Bay

Channel Buoy 27, Union Bay Channel Buoy 29 and Union Bay Channel Buoy 31 and Webster Point Light 33 and an East and West line connecting Union Bay Channel Buoy 28, Union Bay Channel Buoy 30, 470 yards East of Union Bay Channel Buoy 30 to a point 80 yards South of Webster Point Light 33.

(4) The waters between the judging and reviewing vessels and the Southern edge of the channel described above. This area is generally the area South of Union Bay Channel Buoy 28 and North of Foster Island. The judging and reviewing vessels will be identified by appropriate signs showing over their sides.

(e) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(Sec. 1, 35 Stat. 69, as amended, (46 U.S.C. 454); sec. 6(b)(1), 80 Stat. 938; (49 U.S.C. 1655(b)(1)); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: April 5, 1982.

C. F. DeWolf,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 82-10345 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD17-82-01]

Safety Zone; Fritz Cove, Juneau, Alaska

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard intends to establish a Safety Zone in the vicinity of the Fritz Cove, Juneau, Alaska, from 2:00 P.M. PDT to 4:00 P.M. PDT on 1 May 1982. This Safety Zone is required to minimize the danger to the boating community during an aerial exhibition to be performed by the Canadian Armed Forces 431st Air Demonstration Squadron, Snowbirds, in the airspace directly over Fritz Cove. This Safety Zone has been requested by the Douglas, Alaska Lions Club and the Federal Aviation Administration in connection with a performance by the Snowbirds to celebrate the Lions Club's fourteenth anniversary. No marine traffic will be allowed within the Safety Zone during the time it is in effect. Coast Guard and Coast Guard Auxiliary

vessels will be patrolling the area during the exhibition.

EFFECTIVE DATE: This amendment becomes effective on 1 May 1982.

FOR FURTHER INFORMATION CONTACT:

Lt. Robert Vail, Commander (OSR), Seventeenth Coast Guard District, P.O. Box 3-5000, Juneau, Alaska 99802, telephone: (907) 586-7353.

SUPPLEMENTARY INFORMATION: This emergency Safety Zone regulation is issued without notice of proposed rulemaking and public comment and will become effective in less than 30 days from the date of publication because good cause exists which makes notice and public procedures impractical and contrary to the public interest. This event was scheduled and notification was given to the Coast Guard without sufficient time to comply with notice and publication requirements. The limited duration of the Safety Zone, the anticipated large turnout of the community to view the exhibition and the limited effect that this Safety Zone will have on marine commerce constitutes good cause to establish this Safety Zone without prior publication. This regulation has been determined not to be a major rule as defined by Executive Order 12291.

DRAFTING INFORMATION: The principle person involved in drafting this rule is Lcdr. John Unzicker, Project Attorney, District Legal Officer, Seventeenth Coast Guard District, Juneau, Alaska.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Waterways.

PART 165—SAFETY ZONES

Final Regulation: In consideration of the foregoing, § 165.1707 is added to Part 165 of Title 33, Code of Federal Regulations to read as follows:

§ 165.1707 Fritz Cove, Juneau, Alaska.

(a) That portion of Fritz Cove, Juneau, Alaska enclosed by the following boundary line is a Safety Zone from 2:00 P.M. PDT to 4:00 P.M. PDT on May 1, 1982: a line from Spuhn Point, 58 degs. 19'50"N 134 degs. 39'52"W, to the southern tip of Portland Island, 58 degs. 19'47"N 134 degs. 43'57"W; Thence to Outer Point, Douglas Island, Alaska, 58 degs. 18'07"N 134 degs. 41'15"W.

(b) The general regulations governing Safety Zones as contained in 33 CFR 165.20 apply.

(92 Stat. 1475, 1477 (33 USC 1225, 1231); 49 CFR 1.46(n)(4))

Dated: April 1, 1982.

H. D. Jacoby,

Commander, U.S. Coast Guard, Captain of the Port, Southeast Alaska.

[FR Doc. 82-10354 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

New National Forest Timber Sales Procedures; Final Policy

AGENCY: Forest Service, USDA.

ACTION: Adoption of final policy.

SUMMARY: The Forest Service is revising agency policy related to timber sales procedures. On January 20, 1982, the Chief of the Forest Service, published a proposed policy (47 FR 2886) which would revise agency procedures relating to new timber sales. The primary purposes of the new procedures are to encourage a regular flow into the marketplace of products manufactured from National Forest timber, to provide a corresponding flow of timber sale receipts to the United States and local governments, to help ensure financial responsibility of bidders, to encourage purchasers of Forest Service timber sales to harvest timber early in the contract term, and to reduce the need for extensions of future timber sale contracts. The final policy adopts certain of the proposed procedures, modifies and adopts others, postpones others for the present time, and adds a market-related contract term adjustment procedure.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT:

Questions about and requests for a copy of the full analysis of this policy may be addressed to: Emil M. Sabol, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (202) 447-4051.

SUPPLEMENTARY INFORMATION: Federal Regulations at 36 CFR Part 223 set forth rules and regulations for sale and disposal of timber from National Forests. Timber sale policies and procedures stated in Forest Service Manual, Title 2400, implement those rules and regulations. The revised procedures will be implemented by appropriate amendments to the Forest Service Manual.

Criteria used to evaluate and select the changes to be implemented are: will the change be effective in tempering extreme bid levels for future sales; will the change be consistent with practices

already being used by other sellers of timber; will the change provide a more even flow of receipts to the Federal Treasury and to county governments; will the procedure be reasonably equitable to a wide spectrum of National Forest timber sale purchasers; and will the change aid in the orderly production of forest products to the benefit of American consumers?

The complexity of the forest products industry makes it difficult to predict the net effect of these new sale procedures. For this reason the Forest Service will continue to monitor the timber sale program to determine the effectiveness of the new procedures. Conditions will be evaluated as of April 1, 1983, and April 1, 1984.

Although each of the new proposals could be considered as an independent variable, the proposal would not have an independent effect upon the timber sale program. For example, the cash deposit at time of award could have been a higher percentage rate to more readily reduce excessive or speculative bidding. This would have increased the present net value of sale receipts and would increase the likelihood of early harvest on the sale. It could, however, put a very formidable obstacle in the way of one existing segment of the industry, the small independent logging contractor. For this reason the amount of deposit at time of award was set at 5 percent of the bid value. It is anticipated that this level of deposit, when combined with the effect of other proposals, will be effective in reducing excessive bidding and encouraging early harvest without being a deterrent to small business.

This same approach was used in considering the implementation of the other proposals. A full analysis of the need for and the consequences of the proposed policies was prepared and is on file in the Office of the Chief of the Forest Service.

In addition to these procedures, Regional Foresters are being instructed to issue guidelines that will develop an appropriate array of sale sizes, with the general objective of reducing average length of contract terms by reducing the average amount of volume in individual sales. Local market needs are a significant factor in developing sale programs. To make significant changes in average sale size could take several years. Sales are planned over a multiyear period. To change some sales already planned would require significant rework, which would impact field capability to continue with future planning at anticipated budget and work force levels.

The major changes in timber sale procedures, midpoint payments, and discounting, do not apply to sales with an appraised value under \$10,000, nor to short-term sales. In addition, not all of the procedures established will affect all areas of the country.

Public Comment on Major Proposals

There were 213 responses to the published proposed changes. Comments came from timber producers, timber trade associations, Forest Service employees, private individuals, state and county officials, and organizations located throughout the country. The final policies to be implemented have substantial support in the agency record, viewed as a whole, and full attention has been given to public comments in general, and to the comments of persons directly affected by the policies in particular.

Item 1. Change the method of calculating the amount of the bid guarantee required of prospective bidders on National Forest timber sales.

Most commenters had no objection to the proposal for the bid guarantee to be based on 5 percent of the advertised value of the timber offered. A number of commenters stated that this method is more equitable than the current practice of basing the bid guarantee on the advertised value of the timber which would be cut in 1 month.

The method of calculating the amount of the bid guarantee will be implemented as proposed. The bid guarantee will be forfeited if the high bidder fails to make the initial cash deposit, provide the required performance bond, or execute the contract within the specified time beyond the award date, or tentative award date.

Item 2. Require the high bidder to replace the bid guarantee with cash equal to 5 percent of the bid price within 10 business days after the bid date. The cash deposit could be used to pay for timber removed only after purchaser credit had been earned on the sale and 25 percent of the volume removed.

Many commenters objected to the requirement that the bid guarantee be replaced with a cash deposit within 10 business days of opening and instead recommended that the cash be required within 30 days of sale award. Most commenters further objected to any restrictions as to when the cash deposit could be used as payment for timber removal. Several commenters also suggested that other forms of commitment in addition to cash be acceptable, i.e., letters-of-credit,

negotiable securities, and purchaser credit.

Requiring a cash deposit may help temper recent extreme bid levels and should be an incentive for timely harvesting of the timber. The time limit for the cash deposit is changed to within 30 days of award, or of tentative award where road construction has been turned back to the Forest Service under the option available to small business purchasers. Some easing of restrictions on when the cash deposit may be used for timber payments was done. The deposit may be used for payment after 25 percent of the volume has been removed from the sale. It is not deemed appropriate to accept other than cash or effective purchaser credit for this deposit since it would not meet the objective of a more even flow of receipts to the Federal Treasury. Transferred-in effective purchaser credit may be used in lieu of cash to cover this deposit. The bid guarantee will be retained until the performance bond and the cash deposit are provided and the contract is executed.

Item 3. Increase the maximum performance bond required on a Forest Service timber sale contract to \$500,000.

Several commenters expressed concern that an increase in the maximum amount of the performance bond could cause small business purchasers problems in obtaining performance bonds. Ability to be bonded is a function of the purchaser's capital structure. The Forest Service procedure for computing the amount of the required performance bond is not changed by this proposal. Generally, sales with smaller volumes and lower values will continue to require proportionally smaller performance bonds and should not impose hardships on small purchasers.

While recognizing and supporting an increased maximum performance bond limit, several commenters suggested a maximum of \$300,000 rather than \$500,000. A concern was expressed that raising the maximum amount of performance bonds would increase cost to purchasers. In most instances, the performance bond requirement for a National Forest timber sale is 10 percent of the bid value. Increased values of timber sales over the years, as well as the increased costs of damages to the Government arising from nonperformance, make an increased maximum desirable. A maximum of less than \$500,000 would not provide the necessary level of protection to the Government on the highest values sales. Increased costs to purchasers because of larger bonds or high value sales should not be significant.

Because the majority of timber sales will require performance bonds under \$300,000, the \$500,000 maximum is being adopted to protect the Government only in those cases where values are high.

Item 4. Require the bidder to furnish proof of ability to provide performance bond for sales of more than \$10,000 advertised value.

The majority of commenters were in general agreement with this proposal and thought that it would help prevent bidding on National Forest timber sales by those not able to perform.

Concern was expressed by some commenters about the type of bonding proof that may be required. There was also concern about the manner and timeliness with which evaluation of the proof would be made. Others believed that additional, unnecessary costs would be incurred in obtaining and evaluating such proof. Several commenters said that the requirement was unnecessary, and that the objectives could be met without this proposal. A comment was also made that this process would cause a hardship on small purchasers.

Implementation would require development of a new and additional process that would take place before, or at the time of, bid opening. In order to eliminate from bidding prospective purchasers not able to furnish a performance guarantee, additional documents would have to accompany the bid for the sale. Implementation would create administrative problems for both the Forest Service and prospective purchasers of National Forest timber.

The change in bid guarantee, discussed in Item 1, adds the provision that a high bidder's bid guarantee will be forfeited and retained by the Forest Service as liquidated damages if the high bidder cannot, or does not, make advance deposit and execute the contract. This forfeiture provision will discourage bidders, who may not be able to furnish a performance bond or other performance guarantee, from participating in the timber sale bidding process. Retention of the bid guarantee in its entirety by the Government, when a high bidder does not furnish an acceptable performance bond, offsets the expense and inconvenience to the Government and other bidders occasioned by a unqualified bidder.

Accordingly, the requirement that a bidder provide proof of ability to furnish a performance guarantee, will not be implemented at this time.

Item 5. Require defaulters to reestablish financial and performance qualifications prior to bidding.

The majority of those commenting were in favor of prequalification procedures. Those not in favor indicated that current procedures and regulations are effective in preventing most defaults, that the proposal is subject to arbitrary application, and that it is discriminatory against small operators. In addition, a question was raised that the proposal may conflict with Small Business Administration legal requirements.

There were numerous suggestions for revision. They included requiring all bidders to prequalify or to be licensed to bid on every sale; defaulters to pay for damages before bidding on another sale; defaulters to double up on any bid guarantee, performance bond, or cash deposit requirements; and setting a period of time following a default during which bids would not be considered. A few comments pointed out that Forest Service procedures should provide clear guidelines for determining qualifications of a bidder.

A decision to implement this proposal will be delayed pending a determination that it does not conflict with existing regulations or laws relating to debarment, small businesses, or due process.

Item 6. Require a purchaser to have paid, or deposited, by midpoint of sale 50 percent of bid premium or 25 percent of sale value, whichever is greater.

Favorable comments indicated that this proposal would benefit counties by providing a more predictable flow of stumpage receipts, without unduly impairing the purchaser's flexibility. However, most of those commenting were not in favor of this proposal because it appeared to reduce competition, be punitive, have a limited benefit, and limit the purchaser's flexibility. Some suggested that a purchaser would be forced to operate half of each timber sale rather than complete any one sale. In addition, commenters suggested this proposal would tie up capital, restrict cash flow and be too costly to administer. Several comments pointed out that stumpage rate adjustment sales in a falling market could require a deposit as much as 100 percent of the final sale value. Suggestions made for eliminating unfavorable aspects include: using earned purchaser credit to meet the payment obligation to minimize the restriction of cash flow; permitting an orderly harvest of timber by providing time following the road completion date; and pooling the cash requirements on a number of sales.

The above suggestions pointed out the need to consider the time required for road construction in determining the

midpoint of time available for timber removal. After consideration of comments the Forest Service will allow, in addition to road construction time, at least half of the contract time remaining before the midpoint payment will be due. This will give purchasers a reasonable time to harvest the timber needed to meet the payment obligation. Permitting the use of effective purchaser credit will provide additional flexibility in meeting payment requirements. In order to prevent an overpayment on stumpage rate adjustment sales, such contracts will provide for an adjustment of midpoint payments. This proposal will apply to sale contracts longer than 3 years in length.

Item 7. Require purchasers to make monthly deposits during last year of a sale for timber not removed.

This proposal was designed to ensure diligent performance that would virtually reduce the need for contract extensions. A majority of the comments received were not in favor of this proposal on the grounds that it appears punitive; restricts cash flow; places undue restrictions on the use of purchaser credit which conflicts with the concept of "cash" equality; favors larger, diversified purchasers; and will result in an additional administrative burden and possible overpayments. Some also felt that the proposal required subjective decisions which would result in disputes and claims that would complicate the extension process. Some comments pointed out a conflict with the current extension policy and requirements in the contract.

Suggested alternatives were considered. Due to changes in calculating the time for the midpoint payment (Item 6), and because of the conflicts described above, this proposal will not be implemented at this time.

Item 8. Provide a discount for early harvest. Reduce payment rates for material presented for scaling prior to the last year of the sale term.

Many comments were received which questioned whether the discounting proposal would actually meet the stated objectives. Commenters expressed concern that this discount proposal could encourage overbidding, favor speculative bidding, and could affect stability of those communities whose forest product industries are dependent on logs from the National Forests.

Several commenters indicated that it was necessary for them to maintain 2 or 3 years' volume under contract in order to assure a steady supply of raw material and provide a sound resource base for capital improvement loans. They claimed this proposal would place them at a disadvantage with the log

merchandiser who had no large plant investment to protect.

A commenter expressed concern that this proposal would favor larger operators at the expense of small timber purchasers because the larger operator would have the resources to remove material within the discount period, where a small operator might not. Several commenters suggested that if there is a problem in certain areas that discount procedures would help solve, the discount requirements should be established only in those areas. Some concern was expressed that insufficient consideration was given to those sales which contained significant road construction requirements. The purchasers of these sales could be limited in their flexibility to take advantage of discounts.

In order to address the concerns expressed, the Forest Service has modified the discounting procedure. Under the final policy, a discount of payment rates procedure for timber reported cut prior to the last year of sale will be pilot tested for 2 years on some of the National Forests in the Pacific Northwest and California. At the end of the test period, results and effects of the discount procedure will be evaluated, and a decision made at the time on the future course of the discount process.

Item 9. Provide stumpage rate adjustment (SRA) for all National Forest timber sale contracts in western Oregon and Washington advertised after March 31, 1983.

Those favoring this proposal suggested that it would tend to lower the level of bidding, solve some speculation problems, and keep prices closer to market value for long-term sales. Commenters who were against the proposal said that it would not be effective in areas of short summer operating seasons when the market index is usually the highest; that it was unsuccessful in a previous try on the west side; that where currently in use, it did not prevent high bidding in areas of strong competition; that indices currently in use lag the market and can be manipulated; that it will not provide for an orderly harvest and it will not be needed if the other proposals are implemented. Many commenters expressed a willingness to work with the Forest Service in developing a reliable index for use on the west side, but indicated that such an index would be difficult to develop, and that it should be tested for a year or longer before being installed. Some commenters recommended that SRA be used on all National Forest timber sales. Others recommended eliminating SRA from all sales. There were some suggestions for

eliminating purchaser road credit from the formula and, if installed, that some of the other proposals regarding payments not be implemented.

Stumpage rate adjustment has been used effectively for many years for more than 40 percent of the National Forest timber sold in the Western United States. Experience has shown that the highly competitive flat rate prices paid by timber purchasers in western Oregon and Washington have often placed them in a position of being the first out of, and the last to reenter, the marketplace for timber products whenever downturns occur in the demand for softwood products.

After considering the above suggestions, the Forest Service has decided to develop a suitable index and provide stumpage rate adjustment for sales on the west side in Region 6. Implementation will be as soon as a suitable index is developed, but not for sales advertised before April 1, 1983.

Item 10. Provide that extra costs incurred by the Government, including interest, be paid by the purchaser at the time of sale extension.

Commenters generally agreed that strong requirements for anyone not completing a contract would assure contracts being completed on time, are a reasonable business requirement, and will reduce the prospect of bid speculation. Most who were against the proposal said it appears punitive, unduly harsh, unreasonable, and vague; gives the Forest Service a blank check; it proposes liquidated damages that would be costly to the small purchaser; and would be discriminatory and eliminate bidding on small short-term sales.

There were many suggestions offered which were intended to eliminate the above objections to the proposal. Some of these suggestions were: (1) Prohibiting any extensions; (2) not changing the current method; and (3) requiring a predetermined schedule for road construction and logging, canceling for breach if the schedule is not met, and immediately reselling under sealed bids. Proposals for payment of Government costs included putting separate limits on each identified delay cost or an upper limit on all of them; prepayment of delay costs as a condition of the extension offer or payment as timber is scaled; and using the Washington State DNR formula for loss of productivity. Two suggestions were evident: (1) Spell out extension requirements and costs clearly in the contract; and, (2) provide a market-related contract term adjustment which would provide a safety valve for a situation over which most purchasers have no control.

Because the Government should not bear delay costs when a purchaser requests an extension, the extension requirements will be strengthened by providing for the purchaser to bear the following delay costs: timber remarking and regeneration costs, interest on deferred payments, and any increase in road costs resulting from use of current cost guides. In addition, for sales subject to stumpage rate adjustment, indices changes between quarters will be applied to tentative rates as provided in current contracts except that no species rate can be lower than tentative rates established for the extension period.

Item 11. Assess additional liabilities on purchasers who default on timber sale contracts.

Comments on this proposal were divided pro and con with a number of conditionally supportive statements. Concerns were expressed as follows: existing damage assessments are sufficient; the proposal does not resolve problems on existing contracts; it is disadvantageous to small purchasers and needs to be accompanied by a market-related contract term adjustment provision. There was also a suggestion to limit interest accrual to a maximum of 2 years because of the uncertain time of resale. A significant number suggested that the proposal be more clearly defined as to what will be considered in damage computations. Many commenters gave unqualified support to the proposal.

The Forest Service agrees that a clearer definition of damages is needed. However, it is believed that existing contract language on damages does not adequately protect the Government in case of default. Interest will be charged for half of the resale contract period. In addition, up to 1 year's interest charge will be added for the time from the termination date to the date of resale. This proposal will be implemented with these changes.

Item 12. Provide for market-related contract term adjustment.

The notice of proposed changes to timber sales procedures indicated future consideration would be given to adopting a market-related contract term adjustment provision. Such a provision would permit contract term adjustment for extended periods of depressed market conditions similar to those currently being experienced.

Many commenters strongly recommended the adoption of this procedure at this time. Therefore, a proposed policy for market-related

contract term adjustment will be developed for public review and comment in the near future.

After consideration of public comments and analysis of proposals, the Forest Service has adopted the following changes in timber sale policy, to be incorporated in the Forest Service Manual and to be effective April 15, 1982.

1. The bid guarantee required of bidders on a Forest Service timber sale contract shall be 5 percent of the advertised value of the contract. The bid guarantee will be forfeited if the high bidder fails to make the required initial cash deposit, provide the required performance bond, or execute the contract within the specified time beyond the award date, or tentative award date.

2. The high bidder will be required, within 30 days of award, or within 30 days of notification of apparent high bid on sales where a qualified small business purchaser has elected Government construction of specified roads, to deposit in cash the amount of 5 percent of the total bid value rounded up to the nearest \$100. The cash deposit may be used in payment for timber removed after 25 percent of the advertised volume is presented for scaling. On tree measurement sales, the 5 percent deposit may be used toward release of a payment block if the balance of the release payment is in cash, but the 5 percent deposit will be replaced when the block is reported cut and removed until 25 percent of the estimated sale volume is reported cut. Only effective purchaser credit may be used in lieu of cash to maintain the 5 percent deposit for the time required by the contract.

3. The maximum performance bond to be required on a Forest Service timber sale contract will be \$500,000.

4. By the end of the normal operating season following the midpoint of any sale of more than 3 years' duration or (on such contracts requiring road construction, the midpoint of the contract time remaining after the date specified in the contract for completion will be used) the purchaser shall have paid, or deposited, the greater of either (1) 50 percent of the bid premium, estimated as of bid date, or (2) 25 percent of the anticipated contract price, estimated as of bid date. Effective purchaser credit from this sale, or from other sales on the same National Forest, may be used to meet this obligation. In contracts subject to stumpage rate adjustment, the total estimated value of

the sale on the midpoint payment date will be due if this value is less than the amount stated in the contract for the midpoint payment.

5. A discounting procedure will be implemented on a test basis in the following areas: the west side region 6, the Winema National Forest, and the Six Rivers, Klamath, and Shasta-Trinity National Forests. The test will run for a period of at least 2 years. Results of the test will then be evaluated and a decision made on the future use of the discount procedure.

The discount procedure will apply to timber scaled prior to the last year of the sale. Bid rates will be reduced by a factor based on the average rate being paid for borrowing by the United States (as calculated and published by the Treasury Department in TFRM 6-8020-20). This rate will be specified in the sale advertisement and will remain constant throughout the sale term.

No discount will be applied during the last 12 months prior to the sale termination date. A discount equal to 50 percent of the borrowing rate specified above will be applied during the 12- to 24-month period prior to the sale termination date. A discount equal to 100 percent of the borrowing rate specified above will be applied during the 24- to 36-month period prior to the sale termination date. A discount equal to 150 percent of the borrowing rate specified above will be applied during the 36- to 48-month period prior to the sale termination date. A discount equal to 200 percent of the borrowing rate specified above will be applied during the 48- to 60-month period prior to the sale termination date, etc. The maximum allowable discount will not exceed 25 percent.

Discount will be made by individual Species/Product/Unit-of-Measure combination. In no case shall the discount reduce the flat or tentative bid rate to an amount below the advertised rate for that Species/Product/Unit-of-Measure combination.

The discounting procedures will be included only in sales which are over 3 years in length.

Discount periods will be adjusted to recognize contract term adjustment actions involving 30 days or more.

6. Stumpage rate adjustment shall be provided for in National Forest timber sale contracts in western Oregon and Washington as soon as a suitable index is developed, but not for sales advertised before April 1, 1983.

7. Contract term extension obtainable

under timber sale contracts advertised after the effective date for this item, in addition to prerequisites now provided for, shall require the purchaser to do the following: (1) To pay in cash for Government costs caused by the delay in harvesting the timber, including interest at the current rate being paid for borrowings by the United States (as calculated and published by the U.S. Treasury Department in TFRM 6-8020-20) on the value of timber remaining on the sale from termination date until midpoint of the extension period, and (2) under contracts providing for stumpage rate adjustment, to pay for timber removed from the sale area during the period of extension at rates not lower than tentative rates established for the extension period. The procedure for establishing payment rates shall be revised to preclude an increase in purchaser credit during the extension period resulting from use of current cost guides. Delay costs shall include, in addition to the interest and limitation on purchaser credit indicated above, timber remarking and regeneration costs, including site preparation seeding and planting.

8. Purchasers who default a timber sale contract will, in addition to liability for damages currently specified in provision B9.4 of the timber sale contract, be liable for (1) Government costs caused by the delay in harvesting timber, and (2) the Government loss caused by delay in receipt of stumpage payments. Interest will be charged on the value of the remaining timber for half of the resale contract period. In addition, up to 1 year's interest charge will be added for the time from termination date to date of resale. Such interest will be at the current rate paid for borrowings by the United States (as calculated and published by the U.S. Treasury Department in TFRM 6-8020-20). Delay costs will include increased costs of road construction, cost of timber remarking, and increased regeneration costs. If there is no resale, damages will be determined by appraisal.

9. The Chief of the Forest Service will develop for public comment policy and contractual procedures for a market-related contract term adjustment provision for implementation early in FY 1983.

Douglas R. Leisz,
Associate Chief.

March 31, 1982.

[FR Doc. 82-9786 Filed 4-9-82; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86
[AEN-FRL 2070-4]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes Carbon Monoxide (CO) emission standards for one Avanti Motors Corporation (Avanti) 1982 model year light-duty vehicle engine family for which I have granted a waiver from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5). This action has the effect of allowing Avanti to produce the vehicles covered by this action under the higher CO emission standard of 7.0 grams per vehicle mile (g/mi).

EFFECTIVE DATE: April 15, 1982.

ADDRESSES: Information relevant to this rule, including the document embodying my decision on the waiver application in question is contained in Public Docket EN-81-6 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of the decision document may also be obtained by contacting the Manufacturers Operations Division as stated above.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-2521.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the "statutory standard" for CO, of 3.4 g/mi. Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO

standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles for which I have granted waivers. Avanti Motors Corporation (Avanti) submitted an application for a waiver for a light-duty vehicle engine family for the 1982 model year which it purchased from General Motors Corporation (GM). This engine family will be equipped with dual-bed converter versions of the GM high technology Computer Command Control Systems. GM has already received a CO waiver covering an engine family which is identical in all respects to the Avanti engine family for the 1982 model year. The statutory criteria, my determinations regarding the criteria with respect to the vehicle model covered by Avanti's waiver application, and my decision to grant the waiver request appear in a decision available in the Public Docket and the Manufacturers Operations Division as stated above. In that decision regarding the Avanti application, I granted a waiver covering the following vehicle model (considered as an engine family for purposes of that decision) for the 1982 model year:

Manufacturer	Engine family (liter)
Avanti Motor Corp.....	5.0

The basis for my decision is that Avanti has established that effective control technology is not available with respect to this model to enable it to achieve compliance with the statutory 3.4 g/mi standard. In granting a CO waiver to GM, I previously determined that technology was not available considering cost, driveability and fuel economy to enable GM's version of the engine family to meet the statutory standard. Given that I now find that Avanti is wholly dependent on GM technology and that Avanti meets all statutory criteria for a waiver, a waiver for Avanti is appropriate.

Once I have decided to grant the waiver application for this vehicle model, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from vehicles of this engine family to exceed 7.0 g/mi. The Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver application in

question. The public has been afforded an opportunity to comment both on this waiver application, and on the General Motors application for its version of this engine family, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of the amendment contained in this rulemaking would be unnecessary.

I find that good cause exists to make this rule effective immediately since it would avoid the possibility of forcing the affected manufacturer to further delay introducing its 1982 model year vehicles into commerce because it must wait to receive a certificate of conformity for this model until this rule becomes effective.

The Office of Management and Budget (OMB) has exempted this action from the requirements of section 3 of Executive Order 12291.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard established by this notice directly affects and benefits only Avanti. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a).

Dated: April 9, 1982.

Anne M. Gorsuch,
Administrator.

For the reasons set forth above, 40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
Avanti Motor Corporation.....	5.0 liter.
American Motors Corporation.....	151 CID.
	258 CID.
BL Cars, Ltd.....	215 CID.
	328 CID.
	4.2 liter/fuel injected.
Chrysler Corporation.....	1.6 liter.
	1.7 liter.
	2.2 liter.
	2.6 liter.
	3.7 liter.
	5.2 liter/2-V.
	5.2 liter/4-V.
Excalibur Motors, Ltd.....	305 CID.
Ford Motor Company.....	1.6 liter/2V overhead camshaft.
	2.3 liter/turbocharged.
	3.3 liter.
	3.8 liter/V-6.
	4.2/5.0 liter.
	5.8 liter.
General Motors Corp.....	1.6 liter.
	1.8/2.0 liter.
	1.8 liter/fuel injected.
	2.5 liter/throttle body fuel injected.
	2.8 liter/173 CID-2V.
	3.0/3.8 liter/231 CID-2V.
	3.8 liter/turbocharged.
	3.8 liter/229 CID-2V.
	4.4 liter.
	5.0/5.7 liter/fuel injected.
	5.0/5.7 liter.
	6.0 liter/modulated displacement (M-D) (V8-6-4).
Lotus Cars, Ltd.....	2.0 liter.
	2.2 liter.
	2.2 liter/turbocharged.
Subaru of America, Inc.....	4.0 liter.
	1.6 liter.
	1.8 liter.
Toyota Motor Company, Ltd.....	88.6 CID.
Volkswagen of America.....	1.7 liter/feed back carburetor.

* * * * *

(Sec. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a))

[FR Doc. 82-10260 Filed 4-14-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 400

Refugee Resettlement Program and Cuban/Haitian Entrant Program; Cash and Medical Assistance Policies

Correction

In FR Doc. 82-6806 appearing at page 10841 in the issue for Friday, March 12, 1982 please make the following correction:

On page 10850, in the first column, line 11, paragraph "(e)" should have been designated paragraph "(3)" (§ 400.62(f)(3)).

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 178

[Docket No. HM-172; Amdt. No. 173-156, 178-70]

Marketing and Record Retention Requirements for Cylinders

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: These amendments: (1) Specify the markings that must be made on cylinders for compressed gases, (2) revise cylinder inspection report submission and retention requirements, (3) eliminate the registration of optional marking, and (4) clarify regulations on the location of markings on cylinders other than those markings required by the regulations. MTB believes that cylinder marking consisting of the optional numbers and symbols of the purchaser or the user together with the required marker's symbol tends to be confusing. Further, although the cylinder specifications contain a requirement that cylinder test reports be sent to the cylinder maker, purchaser, and MTB, there is no requirement that these reports be retained. Therefore, MTB is issuing pertinent changes to the cylinder specifications and cylinder marking requirements to: (1) Revise, clarify and simplify the regulations pertaining to cylinder marking, optional marking registration, and test report submissions, and (2) reduce unnecessary and costly submission of reports. In addition, cylinder test report retention requirements are established.

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION CONTACT:

David E. Henry or James E. Jones, Approvals Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone (202-472-5982).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking covering cylinder marking requirements and proposing to adopt test report retention requirements for certain cylinders was published under Docket HM-172 on February 14, 1980 (45 FR 9960). The current cylinder specifications in Part 178 of the Hazardous Materials Regulations require that each cylinder be marked with a serial number and an

identifying symbol of the maker. Numbers and symbols of the purchaser or the user are also permitted if the maker's symbol appears on the cylinder near the original test date. The cylinder specifications also contain a requirement that complete reports be sent to the cylinder maker, purchaser, and MTB. However, there is no requirement that anyone retain the report.

MTB believes that deletion of the references in Part 178 to the purchaser's or user's markings in each cylinder specification eliminates confusion between the required markings of the maker and the optional markings of the purchaser or user.

All cylinder specifications contain a prohibition against duplication of serial numbers. The deletion of the purchaser's and user's markings from the individual cylinder specifications does not prohibit a maker from marking on cylinders a series of numbers specified by an original purchaser. The maker's serial number may be any number conceived by or suggested to the maker as long as that maker uses it only once so that the number, in association with the maker's mark, is unique.

Several comments to this proposal were received in response to the Notice. Three commenters suggested that MTB establish a register of cylinder owners as a provision for ownership control. This is outside the scope of the notice. A registry of cylinder owners would not appreciably improve transportation safety while requiring a large outlay of funds by MTB for development and a large annual investment of funds for maintenance of such a system.

One commenter recommended that the revision to § 173.34(c)(1) authorize additional markings to accompany the required marking. This is authorized by the wording of the revision; however, the specified marking may not be altered or rearranged.

Several comments were received concerning the retention of test reports. Based on a consideration of these comments, MTB has decided to establish a 15 year test report retention period for all cylinders considered in the notice, except for DOT Specification 3HT cylinders which are installed aboard aircraft. The DOT Specification 3HT cylinder test reports must be maintained for the cylinder's authorized service life. MTB is including the 4BA, 4AA480 and 4BW specifications which were omitted from the Notice. This will provide for consistency among similar specifications. MTB believes that the 15 year test report retention period is sufficient to monitor the durability of

cylinders including those having no prescribed retest period.

Three commenters suggested that it would be advantageous for MTB to receive summary reports. MTB believes this has merit, however, this was not proposed in the Notice of Proposed Rulemaking, would result in additional costs to the public as well as DOT, and is not in accordance with efforts to reduce the paperwork burden on the public.

One commenter indicated that a requirement for the inspector and the maker to retain the test reports would increase costs. Inspections by MTB of cylinder manufacturing facilities have revealed that it is a common practice of independent inspection agencies and manufacturers to retain test reports as proof of performance of their responsibilities. MTB believes that by formalizing the test report retention requirements that have been a common industry practice, a savings will result to the industry through the elimination of the reporting requirements that are cancelled by this rulemaking.

One commenter recommended that a restriction similar to that specified by § 178.45-17(e) for the DOT Specification 3T cylinder be made applicable to other cylinders. This restriction prohibits a cylinder from being marked DOT-3T unless specific requirements are met. While MTB feels that this restriction is appropriate, it should be noted that § 178.0-2 (a) and (b) contain similar provisions for all specification packagings, including cylinders, and thus the prohibition in each specification would be superfluous.

One commenter suggested that regulatory control over the quality of cylinders being produced would be lost or greatly decreased unless MTB registered all cylinders. MTB does not agree. MTB believes the quality of cylinders can be maintained only through the cooperation of the cylinder industry and an effective surveillance program.

One commenter suggested that the transfer of cylinder ownership should be accompanied by the addition of the new owner's marks as an ownership guarantee. MTB believes that owner's marks on cylinders would not necessarily be effective in protecting owners against misuse of their cylinders because the presence of a symbol on a cylinder does not prove ownership. MTB does believe that the conveyance of a cylinder bearing the unique manufacturer's mark and serial number when supported by proper documentation can be used as an indication of ownership.

Specific Requirements

Paragraph (c)(1) of § 173.34 is revised to clarify the authority for placing markings other than required markings on cylinders. This paragraph also prohibits indentations from being made in the sidewall of a cylinder unless specifically permitted in the applicable specification for the cylinder. Paragraph (c)(3) is revised to combine paragraph (i) into (c)(3) since paragraph (ii) is deleted as proposed.

Except for the cylinders which are identified by lot numbers, the specifications are amended to specify that the required cylinder marking must consist of the maker's symbol and a serial number.

Except for the cylinders for which there is no requirement for report submittal, the specifications are amended to change the inspector's duties to require the cylinder inspector to submit reports required by the cylinder specifications to the cylinder maker and, upon request, to the purchaser. This amendment also establishes a general requirement that the inspector retain the cylinder test reports for 15 years from the original test date of the cylinders. For the DOT Specification 3HT cylinders, the inspector must retain the cylinder test reports for the authorized service life of the cylinders.

Except for the cylinders for which there is no requirement for report submittal, the cylinder specifications are amended to establish a general requirement for the manufacturer of the cylinders under these specifications to retain the cylinder test report for 15 years from the original test date of the cylinders. However, the manufacturers of the DOT Specification 3HT cylinders must retain the cylinder test reports for the authorized service life of the cylinders.

List of Subjects

49 CFR Part 173

Hazardous materials transportation, Cylinders, Markings, Service pressure

49 CFR Part 178

Hazardous materials transportation, Cylinders, Marking and serial number, Test report, Report retention

In consideration of the foregoing, 49 CFR Parts 173 and 178 are amended as follows:

PART 173—CYLINDERS, MARKINGS, AND SERVICE PRESSURE

1. In 49 CFR 173.34 paragraphs (c)(3)(i) and (c)(3)(ii) are removed and

paragraphs (c)(1) and (c)(3) are revised to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

(c) * * *

(1) Additional information not affecting the markings prescribed in the applicable cylinder specification may be placed on the cylinder. No indentation may be made in the sidewall of the cylinder unless specifically permitted in the applicable specification.

(3) Except for marked service pressure, markings required on cylinders may not be altered or removed. The marked service pressure may be changed only upon application to the Associate Director for Hazardous Materials Regulation and receipt of written instructions as to the procedure to be followed.

(i) [Removed]

(ii) [Removed]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§§ 178.51-19, 178.56-19 and 178.61-20 [Amended]

2. 49 CFR 178.51-19(a)(2), 178.56-19(a)(2), and 178.61-20(a)(2) are amended by revising the first sentence of § 178.51-19(a)(2) and the first and second sentences of §§ 178.56-19(a)(2) and 178.61-20(a)(2) to read: "A serial number and an identifying symbol of the maker. The symbol must be registered with the Associate Director for OHMR".

§§ 178.36-20, 178.37-20, 178.38-20, 178.39-19, 178.42-14, 178.44-23, 178.47-21, 178.50-19, 178.53-18, 178.54-20, 178.55-20, 178.57-20, 178.58-21, 178.59-18, 178.60-22 and 178.68-19 [Amended]

3. In addition, 49 CFR Part 178 is amended by revising the second and third sentences of the following sections to read: "The symbol and numbers must be those of the maker. The symbol must be registered with the Associate Director for OHMR; duplications are not authorized".

§ 178.36-20(a)(3)	§ 178.53-18(a)(2)
§ 178.37-20(a)(3)	§ 178.54-20(a)(2)
§ 178.38-20(a)(2)	§ 178.55-20(a)(2)
§ 178.39-19(a)(2)	§ 178.57-20(a)(3)
§ 178.42-14(a)(2)	§ 178.58-21(a)(2)
§ 178.44-23(a)(2)	§ 178.59-18(a)(2)
§ 178.47-21(a)(2)	§ 178.60-22(a)(2)
§ 178.50-19(a)(2)	§ 178.68-19(a)(2)

§§ 178.36-4, 178.37-4, 178.38-4, 178.39-4, 178.42-4, 178.47-4, 178.50-4, 178.51-4, 178.53-4, 178.54-5, 178.55-4, 178.56-4, 178.57-4, 178.58-4, 178.61-4 and 178.68-4 [Amended]

4. Also, 49 CFR Part 178 is amended by revising the following sections to read: "Furnish complete test reports required by this specification to the maker of the cylinder and, upon request, to the purchaser. The test report must be retained by the inspector for fifteen years from the original test date of the cylinder."

§ 178.36-4(d)	§ 178.53-4(d)
§ 178.37-4(d)	§ 178.54-4(d)
§ 178.38-4(d)	§ 178.55-4(d)
§ 178.39-4(d)	§ 178.56-4(d)
§ 178.42-4(d)	§ 178.57-4(d)
§ 178.47-4(d)	§ 178.58-4(d)
§ 178.50-4(d)	§ 178.61-4(d)
§ 178.51-4(d)	§ 178.68-4(d)

5. Further, 49 CFR Part 178 is amended by revising § 178.44-4(d) to read as follows: "Furnish complete test reports required by this specification to the maker of the cylinder and, upon request, to the purchaser. Test reports must be retained by the inspector for the authorized service life of the cylinder".

§§ 178.36-23, 178.37-23, 178.38-23, 178.39-22, 178.42-16, 178.47-24, 178.50-22, 178.51-22, 178.53-21, 178.54-23, 178.55-23, 178.56-22, 178.57-23, 178.58-24, 178.59-21, 178.60-25, 178.61-22 and 178.68-21 [Added]

6. In addition, 49 CFR Part 178 is amended by adding the following sections to read: "Report retention. The maker of cylinders under this specification must retain the test reports required by this specification for fifteen years from the original test date of the cylinder".

§ 178.36-23	§ 178.54-23
§ 178.37-23	§ 178.55-23
§ 178.38-23	§ 178.56-22
§ 178.39-22	§ 178.57-23
§ 178.42-16	§ 178.58-24
§ 178.47-24	§ 178.59-21
§ 178.50-22	§ 178.60-25
§ 178.51-22	§ 178.61-22
§ 178.53-21	§ 178.68-21

7. 49 CFR Part 178 is further amended by adding § 178.44-26 to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44-26 Report retention.

The maker of the cylinder under this specification must retain the test reports required by this specification for the authorized service life of the cylinder.

8. 49 CFR Part 178 is additionally amended by revising § 178.59-3(c) to read as follows:

§ 178.59 Specification 8; steel cylinders with approved porous filling for acetylene.

§ 178.59-3 Inspection by whom and where.

(c) Duties of inspector of completed cylinders: determine porosity of filling and tare weights; verify compliance of marking with prescribed requirements; obtain necessary copies of steel shell reports prescribed in paragraph (b) of this section; and furnish complete reports required by this specification to the person who has completed the manufacture of the cylinders and, upon request, to the purchaser. The test reports must be retained by the inspector for fifteen years from the original test date of the cylinder.

9. In addition to the above amendments 49 CFR Part 178 is amended by revising § 178.60-3(c) to read as follows:

§ 178.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 178.60-3 Inspection by whom and where.

(c) Duties of inspector of completed cylinders: determine porosity of filling and tare weights; verify compliance of marking with prescribed requirements; obtain necessary copies of steel shell reports prescribed in paragraph (b) of this section; and furnish complete test reports required by this specification to the person who has completed the manufacture of the cylinders and, upon request, to the purchaser. The test reports must be retained by the inspector for fifteen years from the original test date of the cylinder.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

10. Paperwork Reduction Act: Information collection requirements contained in the following sections of this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2150-0122.

Following the text of each section listed below, add parenthetically OMB Control No. 2150-0122.

§ 178.36-4(d)	§ 178.38-23
§ 178.36-20(a)(3)	§ 178.39-4(d)
§ 178.38-23	§ 178.39-19(a)(2)
§ 178.37-4(d)	§ 178.39-22
§ 178.37-20(a)(3)	§ 178.42-4(d)
§ 178.37-23	§ 178.42-14(a)(2)
§ 178.38-4(d)	§ 178.42-16
§ 178.38-20(a)(2)	§ 178.44-4(d)
	§ 178.44-23(a)(2)

§ 178.44-26	§ 178.56-19(a)(2)
§ 178.47-4(d)	§ 178.56-22
§ 178.47-21(a)(2)	§ 178.57-4(d)
§ 178.47-24	§ 178.57-20(a)(3)
§ 178.50-4(d)	§ 178.57-23
§ 178.50-19(a)(2)	§ 178.58-4(d)
§ 178.50-22	§ 178.58-21(a)(2)
§ 178.51-4(d)	§ 178.58-24
§ 178.51-19(a)(2)	§ 178.59-3(c)
§ 178.51-22	§ 178.59-18(a)(2)
§ 178.53-4(d)	§ 178.59-21
§ 178.53-18(a)(2)	§ 178.60-3
§ 178.53-21	§ 178.60-22(a)(2)
§ 178.54-4(d)	§ 178.60-25
§ 178.54-20(a)(2)	§ 178.61-4(d)
§ 178.54-23	§ 178.61-20(a)(2)
§ 178.55-4(d)	§ 178.61-22
§ 178.55-20(a)(2)	§ 178.68-4(d)
§ 178.55-23	§ 178.68-19(a)(2)
§ 178.56-4(d)	§ 178.68-21

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 11043) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket. I certify that this final rule will not have a significant adverse economic impact on a substantial number of small entities because present reporting requirements and optional marking registration are being eliminated, and the recordkeeping requirement contained in the rule change is the formalization of a practice that is generally followed by the cylinder manufacturing industry as proof of performance of their responsibility.

Issued in Washington, D.C., on April 8, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-10170 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1031

[Ex Parte No. 52]

Filing of Statements of Divisions of Joint Rates Applicable to Railway Fuel

AGENCY: Interstate Commerce Commission.

ACTION: Notice of removal of rule.

SUMMARY: The Commission is removing 49 CFR 1031.1. This rule required railroads to file, upon Commission request, statements of divisions of joint rates applicable to railway fuel. This rule is no longer appropriate or necessary.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT:

Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By notice published January 11, 1982 at 47 FR 1155, we sought comments on rescinding 49 CFR 1031.1. This regulation required that railroads file, upon our request, statements of divisions of joint rates applicable to shipments of railway fuel. We proposed rescinding the regulation because it appeared outdated and unnecessary. The rule had been adopted in 1915 to prevent railroads from charging lower rates for the movement of fuel coal transported by rail for a railroad-shipper than for a commercial shipper of coal between the same points.

Two comments were received. Both supported the rescission. The Commission's Office of Special Counsel (OSC) notes technological changes

(namely, the railroad switch approximately 40 years ago from coal to diesel fuel for power), and intermodal competition (resulting in but limited diesel fuel transportation by rail) which have rendered the rule obsolete. OSC also notes that the provisions of 49 U.S.C. 10713 permit railroads to contract among themselves for the transportation at rates lower than those assessed commercial shippers. The Association of American Railroads also points out that the rule no longer serves any worthwhile purpose.

PART 1031—DIVISIONS OF JOINT RATES APPLICABLE TO RAILWAY FUEL [RESERVED]

Accordingly, we adopt the proposed rescission and order § 1031.1 as well as Part 1031 (which has no other sections) removed from Subchapter A, Chapter X of Title 49 of the CFR, and reserved for future use.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources. Nor will this repeal of an obsolete rule have an impact on small entities.

(49 U.S.C. 10101a, 10321, and 5 U.S.C. 553)

Decided: April 8, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham, Sterrett, and Andre. Commissioner Andre did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-10413 Filed 4-14-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 47, No. 73

Thursday, April 15, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 190

Bankruptcy Regulations; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On November 24, 1981 the Federal Register published the Commission's proposed new Part 190 which contains rules which would implement the Bankruptcy Reform Act of 1978 insofar as that Act pertains to the Liquidation of certain commodity firms (46 FR 57535). The original comment period expired on February 22, 1982, and was subsequently extended to April 9. (47 FR 8789).

The Commission has received requests for a further extension of the comment period. Because the Commission wishes to be certain that all parties have an opportunity to submit their comments, it is allowing an additional time period for comment.

DATES: Accordingly, notice is hereby given that all comments on the Commission's proposed Part 190 regulations (46 FR 57535 (November 24, 1981)) must be submitted by May 15, 1982.

FOR FURTHER INFORMATION CONTACT: Andrea M. Corcoran, Chief Counsel, Division of Trading and Markets (202) 254-8955.

Issued in Washington, D.C. on April 9, 1982 by the Commission.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 82-10344 Filed 4-14-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[Notice No. 410; Re: Notice No. 403]

Labeling and Advertising of Distilled Spirits, Standard of Identity for Vodka

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for Notice No. 403, Labeling and Advertising of Distilled Spirits, Standard of Identity for Vodka, until July 11, 1982. Notice No. 403 was published in the Federal Register on January 11, 1982 (47 FR 1148).

DATE: The comment period for Notice No. 403 is extended until July 11, 1982.

ADDRESS: Send comments on this notice to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 385, Washington, DC 20044-0385 (Notice No. 403).

FOR FURTHER INFORMATION CONTACT: Joan Deerwester, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

On January 11, 1982, the Bureau of Alcohol, Tobacco and Firearms (ATF) published an advance notice of proposed rulemaking requesting comments concerning the addition of sugar and citric acid to neutral spirits in the production of vodka as allowed in Revenue Ruling 56-98. On the basis of recent tests conducted by the ATF National Laboratory, ATF concluded that vodka treated in accordance with Revenue Ruling 56-98 is different from vodka not so treated because the added ingredients materially affected the physical and chemical characteristics of the vodka. Vodka so treated, therefore, does not conform to the standard of identity for vodka. Revenue Ruling 56-98 must be reassessed for its validity in light of these test results.

ATF requested comments regarding two proposals, that is, (1) clarifying the standard of identity for vodka to

preclude the addition of any ingredients, such as sugar and citric acid, that would materially affect its physical and chemical characteristics, or (2) establishing another class of vodka authorizing the addition of sugar and citric acid within specified amounts.

In response to formal requests made by Heublein and the National Association of Beverage Importers, ATF is extending the comment period to July 11, 1982.

Public Participation

ATF encourages interested persons to participate in this rulemaking procedure by submitting written comments. All pertinent comments will be considered prior to the proposal of amended regulations. Comments are not considered confidential. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure. Written communications will be available for public inspection at the ATF Reading Room, Room 4405, 12th and Pennsylvania Avenue, NW, Washington, DC from 8:30 a.m. to 5 p.m.

Drafting Information

The principal author of this document is Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau participated in the preparation of the document, both in substance and style.

Authority

This notice of proposed rulemaking is issued under the authority of section 5 of the Federal Alcohol Administration Act (49 Stat. 391) (as amended in 27 U.S.C. 205).

Signed April 7, 1982.

G. R. Dickerson,

Director.

Approved: April 9, 1982.

John W. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-10336 Filed 4-12-82; 2:53 pm]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

Cancellation of Public Hearing on Modified Portions of the New Mexico Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on the adequacy of a program modification submitted to satisfy a condition imposed by the Secretary of the Interior on the approval of the New Mexico permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice cancels the public hearing but does not alter the time and location at which the New Mexico program and proposed amendment are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program element.

DATE: The following hearing is cancelled: The public hearing on the proposed modification to the New Mexico program, April 16, 1982.

ADDRESSES: Written comments should be mailed or hand-delivered to: Mr. Robert Hagen, State Office Director, Office of Surface Mining Reclamation and Enforcement, 219 Central Ave., NW., Albuquerque, New Mexico 87102.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hagen, State Office Director, Office of Surface Mining, 219 Central Ave., NW., Albuquerque, New Mexico 87102.

SUPPLEMENTARY INFORMATION: On March 23, 1982, notice of opportunity for public hearing on the proposed modification to the New Mexico program was published in the *Federal Register* (47 FR 12361). The proposed modification is a change required by the Secretary of the Interior in his conditional approval of the New Mexico program.

The notice stated that any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Hagen by April 7, 1982, and that if no person contacted Mr. Hagen to express an interest in participating in the hearing by the above

date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by April 7, 1982, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed program element. Written comments must be received on or before 4:00 p.m., on April 22, 1982, to be considered in the Secretary's decision on whether the proposed amendment satisfies the condition imposed on the approval of the program.

Written comments should be mailed or hand-delivered to Mr. Robert Hagen at the address listed above under addresses.

Dated: April 12, 1982.

J. R. Harris,
Director, Office of Surface Mining.

[FR Doc. 82-10368 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7 82-08]

Drawbridge Operation Regulations; Sarasota Pass, Gulf Intracoastal Waterway, Manatee County, Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Cities of Bradenton Beach and Holmes Beach, Manatee County, Florida, the Coast Guard is considering special drawbridge regulations governing the operation of the Cortez Bridge and Anna Maria Bridge across Sarasota Pass, Gulf Intracoastal Waterway, mile 87.4 and mile 89.2, Manatee County, Florida, by limiting the number of openings on Saturdays, Sundays, and legal holidays during peak traffic hours. The draw of the bridges presently opens on signal during this time frame.

DATE: Comments must be received on or before June 1, 1982.

ADDRESS: Comments should be submitted and are available for examination and copying from 7:30 a.m. to 4 p.m., Monday through Friday at the office of the Commander (oan), Seventh Coast Guard District, 51 S.W. 1st Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (oan), Room 1006, Federal Building, 51

Southwest First Avenue, Miami, Florida 33130, telephone (305) 350-4108.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed envelope or post card.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on the proposal. The proposed regulations may be changed in the light of comments received.

Drafting information: The principal persons involved in drafting this proposal are: James Davis, Bridge Administration Specialist, Office of Aids to Navigation, Bridge Section and Lieutenant Michael T. Harris, Office of Commander, Seventh Coast Guard District, Legal Office.

Discussion of the Proposed Regulations

The restrictions are being considered in an effort to relieve the increased vehicular traffic on Saturdays, Sundays and legal holidays on the Cortez and Anna Maria Bridges. This change would allow limited openings and provide a more even flow of vehicular traffic from 10 a.m. to 5 p.m. This action may accommodate the needs of vehicular traffic and may still provide for the reasonable needs of navigation.

Regulatory Evaluation

The proposed regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (Department of Transportation Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since, for the reasons discussed above, the impact is expected to be minimal. In accordance with 605(b) of The Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, (if promulgated), will not have a significant economic impact on a substantial number of small entities.

List of subjects in 33 CFR Part 117 Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.462b immediately after § 117.462a to read as follows:

§ 117.462b *Sarasota Pass, Cortez Bridge, GIWW, mile 87.4, State Road 684, and the Anna Maria Bridge, GIWW, mile 89.2, State Road 64, Manatee County, Florida.*

(a) From 10 a.m. to 5 p.m., on Saturdays, Sundays, and legal holidays, the draws need not open except on the hour, quarter-hour, half-hour, and three-quarter hour, to allow any accumulated vessels to pass. At all other times, the draws shall open on signal.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: March 16, 1982.

B. L. Stabile,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 82-10355 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-14-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 35 and 42

Research and Development Contracting, Indirect Cost Rates, and Disallowance of Costs and Suspension of Payments

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) on research and development contracting, indirect cost rates, and disallowance of costs and suspension of payments. Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before June 15, 1982.

ADDRESSES: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant

Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see *Federal Register*, Vol. 46, No. 50, March 16, 1981, p.16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

List of Subjects in 48 CFR Parts 35 and 42

Government procurement.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.¹

PART 35—RESEARCH AND DEVELOPMENT CONTRACTING

This part prescribes policies and procedures of special application to research and development (R&D) contracting. It covers the use of contracts as opposed to assistance transactions; publicizing requirements and expanding R&D sources; statements of work; contracting methods and contract type; solicitations; evaluation for award; subcontracting R&D work; scientific and technical reports; Government property and title; and contracts for research with educational institutions and nonprofit organizations.

PART 42—CONTRACT ADMINISTRATION

Subpart 42.7—Indirect Cost Rates

This subpart prescribes policies and procedures for establishing billing rates and final indirect cost rates. It also implements Commission on Government Procurement Recommendation A-29 "Establish procedures for a single, final overhead settlement binding on all Federal contracts at given contractor location."

¹ The draft regulation is filed as part of the original document.

Subpart 42.8—Disallowance of Costs and Suspension of Payments

This subpart prescribes policies and procedures for issuing notices of intent to disallow costs and outlines the role of contract auditors in reviewing cost-reimbursement vouchers prior to payment. Because of the Contract Disputes Act of 1978 this subpart does not adopt the DAR provisions for an automatic contracting officer's final decision following a failure of the contractor to respond to a notice of intent to disallow costs.

Dated: April 9, 1982.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 82-10409 Filed 4-14-82; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 222

[Docket RSGC-2, Notice 3]

Proposed Requirement for Display of Alerting Lights by Locomotives at Public Grade Crossings

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws the notice of proposed rulemaking (NPRM) published June 18, 1979 (44 FR 34982) proposing to require locomotives to display flashing alerting lights at public rail-highway grade crossings. Due to objections raised at public hearing and in written comments, and the results of testing, the Federal Railroad Administration has decided that no further action is appropriate based on this proposal, and is withdrawing the proposed rule.

FOR FURTHER INFORMATION CONTACT: Steve Urman, Office of Standards and Procedures, Federal Railroad Administration, Washington, D.C. 20590, telephone (202) 426-9178.

SUPPLEMENTARY INFORMATION: On June 18, 1979, FRA published an NPRM proposing to require railroad locomotives to display flashing alerting lights at public rail-highway grade crossing (44 FR 34982). The alerting lights prescribed in the proposed rule were electronic flash tube lights (strobe lights). Other types of currently utilized alerting lights (oscillating lights and revolving dome lights) were not included

in the NPRM and, hence, were not acceptable lights under the proposed rule.

Serious objections to the proposed rule were raised at the public hearings held in connection with the proposed rule and in the written comments to the docket. As a consequence of the comments and the results of operational testing, FRA has not taken any further regulatory action on the strobe light proposed rule since its publication in 1979. FRA now concludes that

withdrawal of the NPRM is appropriate. Withdrawal of the strobe lights proposal will provide greater flexibility in obtaining additional and more current information on a wide variety of alerting light devices.

After development of additional information, FRA anticipates publishing an entirely new alerting light proposal as quickly as possible. FRA remains concerned about the large number of accidents, injuries, and fatalities that occur at rail-highway grade crossings

and believes that the potential benefits of alerting lights should be explored.

(Sec. 2, 7, 8, 9, and 13, Locomotive Inspection Act (45 U.S.C. 23, 28, 29, 30, and 34); sec. 6(e) and (f), Department of Transportation Act (49 U.S.C. 1655(e) and (f)).

Issued in Washington, D.C. on April 9, 1982.

Robert W. Blanchette,
Administrator.

[FR Doc. 82-10342 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-06-M

Notices

Federal Register

Vol. 47, No. 73

Thursday, April 15, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 189]

Resolution and Order Approving Application of City of Memphis, Tennessee, for a Foreign-Trade Zone

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of Memphis, Tennessee, filed with the Foreign-Trade Zones Board (the Board) on November 5, 1981 requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Memphis, within the Memphis Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement

of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Foreign-Trade Zones Board, Washington, D.C.

Grant; To Establish, Operate, and Maintain a Foreign-Trade Zone in Memphis, Tenn.

Whereas, by an act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones imports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the City of Memphis, Tennessee (the Grantee) has made application (filed November 5, 1981) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Memphis, within the Memphis Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and, Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, Therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 77 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior

thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 2nd day of April 1982, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 82-10362 Filed 4-14-82; 3:45 am]

BILLING CODE 3510-25-M

[Order No. 190]

Resolution and Order Approving Applications of Metropolitan-Nashville Davidson County Port Authority for a Foreign-Trade Zone and Subzone in the Nashville Customs Port of Entry Area

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u),

the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the applications of the Metropolitan-Nashville Davidson County Port Authority, filed with the Foreign-Trade Zones Board (the Board) on November 6 and December 18, 1981, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Nashville and a special-purpose subzone at the truck manufacturing facility of Nissan Motor Manufacturing Corporation U.S.A. in Smyrna, Tennessee, within and adjacent to the Nashville Customs Port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the applications.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, When appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

**Foreign-Trade Zones Board,
Washington, D.C.**

**Grant; To Establish, Operate, and
Maintain a Foreign-Trade Zone and
Subzone in the Nashville, Tenn.
Customs Port of Entry Area**

Whereas, by an Act of Congress approved June 18, 1934, and Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining

foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Metropolitan-Nashville Davidson County Port Authority (the Grantee) has made applications (filed November 6 and December 18, 1981) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Nashville and a special-purpose subzone at the Nissan truck manufacturing facility in Smyrna, within and adjacent to the Nashville Customs port of entry;

Whereas, notice of said applications has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone and special-purpose subzone, designated on the records of the Board as Zone No. 78 and Subzone No. 78A at the locations mentioned above and more particularly described on the maps and drawings accompanying the applications in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone and special-purpose subzone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone and subzone sites in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any other manufacturing operations within the zone or subzone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone and subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 2nd day of April 1982, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 82-10363 Filed 4-14-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Modification of Marine Mammal Permit; Drs. Nicholas R. Hall and William W. Dawson

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the regulations governing the taking and importing of marine mammals (50 CFR Part 216), the Scientific Research Permit No. 93 issued to Dr. Nicholas R. Hall and Dr. William W. Dawson, Department of Ophthalmology, College of Medicine, University of Florida, Gainesville, Florida 32610, on May 8, 1975 (40 FR 21507), as modified February 16, 1978; June 2, 1978; June 13, 1979; September 8, 1980; and November 16, 1981; is further modified as follows:

Section B-9 has been changed to read, "this Permit is valid with respect to the taking authorized herein until December 31, 1984."

This modification is effective April 15, 1982. The Permit, as modified, is available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service,
3300 Whitehaven Street, N.W.,
Washington, D.C.; and
Regional Director, National Marine
Fisheries Service, Southeast Region,
Duval Building, 9450 Koger Boulevard,
St. Petersburg, Florida 33702.

Dated: April 9, 1982.

Richard B. Roe,

*Acting Director, Office of Marine Mammals
and Endangered Species, National Marine
Fisheries Service.*

[FR Doc. 82-10364 Filed 4-14-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board Meeting

April 9, 1982.

The USAF Scientific Advisory Board Space Division Advisory Group will meet at the Rockefeller Presentation Center, Building 105, Los Angeles Air Force Station, California on May 10 and 11, 1982. The purpose of the meeting will be to review selected Air Force space programs. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-10269 Filed 4-14-82; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board Meeting

April 9, 1982.

The USAF Scientific Advisory Board Ad Hoc Committee on Turbine Engine Monitoring Systems will meet at Wright-Patterson Air Force Base, Ohio on May 18 and 19, 1982. The purpose of the meeting will be to review the current ASD Engine Diagnostic Programs and AFLC TEMS Information System Programs. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-10270 Filed 4-14-82; 8:45 am]

BILLING CODE 3910-01-M

Advisory Committee on the Air Force Historical Program Meeting

April 9, 1982.

The Advisory Committee on the Air Force Historical Program will hold a meeting on May 11-12, 1982 from 8:30 a.m. to 4:00 p.m. at Maxwell AFB, AL, Building 800, AU Conference Room and the Albert F. Simpson Historical Research Center, Building 1405, the Fairchild Building. The purpose of the meeting is to examine the mission, scope, progress, and productivity of the Air Force Historical Program and make recommendations thereon for the consideration of the Secretary of the Air Force.

The meeting will be open to the public. Topics to be discussed include: organization and personnel, current status of historical projects, and status of the field history program.

For further information, contact Lieutenant Colonel Vance O. Mitchell, Executive, Office of Air Force History, Bolling AFB, D.C., telephone (202) 767-5764.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-10271 Filed 4-14-82; 8:45 am]

BILLING CODE 3901-01-M

Defense Logistics Agency

Privacy Act of 1974; Amendment to a System of Record

AGENCY: Defense Logistics Agency, DOD.

ACTION: Amendment to System of Record Notice.

SUMMARY: The Defense Logistics Agency proposes to amend the system notice for system S322.10 DLA-LZ, entitled: "Defense Manpower Data Center Data Base" by adding a new routine use. This routine use will permit the disclosure of information from the system to agencies and organizations that provide Federal assistance for use in authorized matching programs. The change followed by system notices as amended is set forth below.

DATE: This action will be effective May 17, 1982.

ADDRESS: Send comments to: Director, Defense Manpower Data Center, 300 North Washington Street, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT:

Mr. Preston B. Speed, Chief, Administrative Management Branch, HQS Defense Logistics Agency, Cameron Station, Alexandria, VA 22314. Telephone: (202) 274-6234.

SUPPLEMENTARY INFORMATION: Recent reviews of various Federal Assistance programs have indicated that some military personnel may have improperly received Government assistance, or have outstanding debts that are not being repaid to the Federal Government. Specifically, the improper receipt of Government assistance in the U.S. Department of Agriculture's Food Stamp and the Veterans Administration's Compensation and Pension programs generally based upon fraudulently prepared applications which fail to disclose Federal employment by means of military services have been identified. In addition, delinquent repayment of debts and defaulted loans by military personnel have been identified in Health and Human Service's student loan and the Veterans Administration's educational assistance programs. The President's Council on Integrity and Efficiency (PCIE) believes that it is prudent to identify military personnel who have improperly received benefits or have delinquent debts.

The objectives of this part of the PCIE project are twofold: (1) To identify active, reserve, or retired military personnel who may be erroneously or fraudulently receiving government payments, and (2) to identify active, reserve, or retired military personnel who indebted to the government and then to initiate appropriate collective action.

The most efficient way of comparing individuals who are recipients of various Federal assistance programs with those military personnel is for the Department of Defense (DoD) to provide an extract of its automated records with various relevant data elements to the agencies conducting these various assistance programs. (The agencies and programs are cited below and the data provided by DoD will be strictly limited to that listed).

The disclosure of individual data from this system of records to these agencies will be for the purpose of conducting matching programs. The matches will be conducted in accordance with the Office of Management and Budget (OMB) Supplemental Guidance for Matching Programs (44 FR 23138; April 18, 1979) (The so-called OMB Matching Guidelines).

Information will be disclosed from this system of records only if the various recipient agencies agree to strictly adhere to OMB's Matching Guidelines. The agencies cited below will be required to submit written requests for information, including written assurance by the agency Inspector General that the

privacy concerns expressed in the OMB Matching Guidelines will be followed.

Disclosure under the proposed routine use will permit the agencies to assure greater integrity of their various programs and is compatible with DoD management responsibility for oversight of the conduct of military personnel, particularly with the requirement that military personnel conduct themselves in a proper manner, not obtain financial benefits in a fraudulent manner, and pay their just obligations.

Only the records of active, reserve, and retired military personnel are being examined and steps are being taken to protect the privacy of those individuals while furthering the goals of eliminating waste, fraud, and abuse in the numerous recipient programs administered by the Federal Government.

The following agency programs may be included in the PCIE computer matching project "Federal Employees Receiving Government Assistance." (All programs are listed below with the public law authorizing each program cited where appropriate.)

I. Department of Agriculture

Food Stamp Program and Commodities in Lieu of Food Stamps.

Pub. L. 95-113, The Food Stamp Act of 1977, as amended.

National School Lunch Program.

School Breakfast Program.

Special Milk Program.

Child Care Food Program.

Special Supplemental Food Programs.

Summer Food Service Programs.

Pub. L. 79-396, National School Lunch Act of 1946, as amended;

Pub. L. 89-642, Child Nutrition Act of 1966 as amended; and

Pub. L. 95-313 (7 U.S.C. 612), Agriculture and Consumer Protection Act of 1973, as amended.

Elderly Feeding Program.

Pub. L. 92-258 (42 U.S.C. 3030), Older Americans Act of 1965 and 1978, as amended; and

Pub. L. 97-35, The 1981 Omnibus Reconciliation Act.

Rural Housing Support Programs.

Very Low-Income Housing Repair Programs.

Rural Low-Income Multi-Family Housing Program.

Rural Moderate-Income Multi-Family Housing Program.

Rural Moderate-Income Single Family Housing Loan Program.

Above Moderate-Income Single Family Housing Program. Rural Low-Income Single Family Housing Program.

Rural Rental Assistance and Home Ownership Assistance Programs. Farm Labor Housing Program.

63 Stat. 432, Title V of the Housing Act of 1949, as amended.

Farm Real Estate Loan Program.

Emergency Loan Programs.

Business and Industrial Loan Program.

Pub. L. 87-128, Consolidated Farm and Rural Development Act, as amended; and

Pub. L. 95-334, Emergency Agricultural Credit Adjustment Act of 1978, as amended.

II. Department of Education

The following Department of Education programs are authorized by Pub. L. 96-374, the Higher Education Act, Title IV. The pertinent parts of Title IV, applying to specific programs, are indicated for each.

Basic Educational Opportunity Grants (Pell Grants).

Supplemental Educational Opportunity Grants. Title IV (Part A).

Guaranteed Student Loan Program. Title IV (Part B).

National Direct Student Loan Program. Title IV (Part D).

III. Department of Health and Human Services

Aid to Families with Dependent Children (AFDC): Pub. L. 74-271 (42 U.S.C. Subchapter IV), Title IV-A of the Social Security Act of 1935, as amended by Pub. L. 92-603, Pub. L. 93-66, Pub. L. 93-233 and Pub. L. 95-216.

Black Lung Benefit Programs: Pub. L. 91-173, Federal Coal Mine Health and Safety Act of 1969, Title IV and Pub. L. 92-303, Black Lung Benefit Act of 1972, as amended by Pub. L. 95-239.

IV. Department of Labor

Federal Employees Compensation Program. Pub. L. 93-416, Federal Employees Compensation Act (FECA).

Longshoremen's and Harbor Workers' Compensation Program. Pub. L. 92-576, Longshoremen's and Harbor Workers' Compensation Act Amendment of 1972.

Black Lung Benefits. Pub. L. 95-239, Black Lung Benefit Reform Act of 1977.

V. Department of Transportation

Title V Employee Protection Program. Pub. L. 93-236, Regional Railroad Reorganization Act of 1973, as amended by Pub. L. 96-448, Staggers Rail Act of 1980.

VI. Veterans Administration

The following VA programs are authorized by Title 38 U.S.C., Chapter 3, section 210(c)(1). Additional chapters of

Title 3, applying to specific programs, are indicated for each.

Patient Medical Records—VA (24 VA 136). Chapter 17.

Veterans, Dependents, and Beneficiaries Compensation and Pension Records—VA (49 VA 21). Chapters 11, 13, 15, and 23.

Veterans, Dependents, Beneficiaries, and Armed Forces Personnel Education and Rehabilitation Records—VA (50 VA 22). Chapters 31, 32, 34, 35, and 36.

Veterans and Beneficiaries Identification and Records Locator System—VA (38 VA 28).

TARGET System—Compensation, Pension, Education, and Rehabilitation Records—VA (58 VA 21/22). Chapters 11, 13, 15, 17, 23, 31, 32, 34, 35, 36.

Loan Guaranty Home, Condominium, Mobile Home Loan Applicant Records and Paraplegic Grant Application Records—VA (55 VA 26) Chapters 21 and 27.

A match between records maintained in this system of records and the agencies' programs is not an indication that any illegality has occurred; the match will alert the agencies, however, that further study is warranted to see if there is any impropriety.

The DLA inventory of system records subject to the Privacy Act of 1974, Title 5, U.S.C. 552a (Pub. L. 93-579, 88 Stat. 1896 *et seq.*) was published in the *Federal Register* at: FR Doc. 82-874 (47 FR 2544) January 18, 1982.

An altered system report as required by 5 U.S.C. 552a(o) was submitted on March 16, 1982.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.
April 12, 1982.

322.10 DLA-LZ

System Name:

Defense Manpower Data Center Data Base

Changes:

Routine Uses of Records Maintained in the System, Including Categories of Uses and the Purposes of Such Uses:

Add:

"To disclose information contained in the Defense Manpower Data Center Data Base including the name, social security number, date of birth, sex, annualized salary rate, service computation date, retirement status, rank, military service, unit identification code, duty address or (for military retirees) mailing address of all active,

reserve, or retired military personnel to agencies participating in the "Federal Employee Receiving Government Assistance" Matching Project conducted by the President's Council on Integrity and Efficiency to help eliminate fraud and abuse in the benefit program administered by agencies within the Federal government and to collect debts and overpayment owed to the Federal government."

S322.10DLA-LZ

SYSTEM NAME:

Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D.C. 20330.

U.S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D.C. 20310.

National Military Command Systems Support Center, Room BE-665, The Pentagon, Washington, D.C. 20331.

Back-up files maintained at two offices of the Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Selected historic files are maintained at Air Force Data Services Center, Room 1D-167, The Pentagon, Washington, D.C. pursuant to court order in IBM antitrust case. These files will be withdrawn from current location when legally permissible.

Decentralized segments—military personnel centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel who served on active duty from July 1, 1968 and later; or who have been a member of a reserve component since July 1975; or are retired military; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later; DoD civilian employees or civilian employees separated since January 1, 1971; all veterans who have utilized Vietnam-era or GI Bill education and training entitlements, who visited a State

Employment Service office since July 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971; all individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969, individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services, National Longitudinal Survey, individuals responding to Recruiting Advertisements since January 1978; survivors of retired military personnel who are eligible for or currently receiving disability payments of disability income compensation from the Veterans Administration; surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Service Number, Selective Number, Social Security Account Number, demographic information such as hometown, age, sex, race, and educational level; civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs; military hospitalization records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the system of records is to provide a longitudinal statistical analysis capability for assessing military manpower trends and evaluation programs impacting on military personnel, potential enlistees, and veterans and to provide a single central facility within the Department of Defense for the identification of current and former DoD civilian and military personnel and their conditions of Service.

Defense Manpower Data Center—used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force

characteristics, post-service experiences of veterans, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys, to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services uses are same as those specified above.

Veterans Administration, Management Sciences Staff, Reports and Statistics Service, Office of the Comptroller—used to select sample for surveys asking veterans about the use of veterans benefits and satisfaction with VA services, and to validate eligibility for VA benefits.

Office of Research and Statistics, Social Security Administration—used for statistical analyses of impact of military service and use of GI Bill benefits on long term earning.

DoD Civilian Contractors—used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records in the record system may be transferred to other Federal agencies having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Civil Service Commission concerning pay, benefits, retirement deductions; and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Name and address information of former military personnel obtained from the Veterans Administration or the Military Department may be released to a number of DOD Components for use in attempting to recruit and reenlist prior service personnel through direct contact methods. These components are as follows: U.S. Army Recruiting Command; U.S. Armed Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserve; U.S. Air Force Recruiting Service; U.S. Air Force Tactical Air Command; Headquarters Air Force Reserve; National Guard Bureau, Headquarters, U.S. Marine Corps; District Directors, U.S. Marine Corps; Commanding General 4th Marine Division; Commanding General, 4th

Marine Air Wing; Commandant, U.S. Coast Guard.

Information on the name, rank, social security accounting number, duty station, birth date, retirement date, and retirement annuity may be disclosed to the Department of Health and Human Services or the Department of Education for the following purposes:

To the Department of Education, DOE, for the purpose of identifying individuals who appear to be in default on their guaranteed student loans so as to permit the DOE to take action, where appropriate, to accelerate recoveries of defaulted loans.

To the Bureau of Supplemental Security Income, Social Security Administration, DHHS, in order to verify and adjust as necessary payments made to active and retired military members under the Supplemental Security Income Program.

To the Office of the Inspector General, DHHS, for the purpose of identifying and investigating DOD employees (military and civilian) who may be improperly receiving funds under the Aid for Families of Dependent Children Program.

To the Office of Child Support Enforcement Department of Health and Human Services, pursuant to Pub. L. 93-647, for the purpose of assisting state child support enforcement offices in locating absent parents in order to establish and/or enforce child support obligations.

To the Director of the Selective Service System for use in wartime or emergency mobilization and for mobilization planning.

To the Veterans Administration for analysis of the costs to the individual of military service connected disabilities.

To disclose information contained in the Defense Manpower Data Center Data Base including the name, social security number, date of birth, sex, annualized salary rate, service computation date, retirement status, rank, military service, unit identification code, duty address or (for military retirees) mailing address of all active, reserve, or retired military personnel to agencies participating in the "Federal Employee Receiving Government Assistance Matching Project conducted by the President's Council on Integrity and Efficiency to help eliminate fraud and abuse in the benefit program administered by agencies within the Federal government and to collect debts and overpayment owed to the Federal government."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Retrievable by name, SSAN, age, occupation, or any other data element contained in system.

SAFEGUARDS:

Primary location—at W.R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cypher locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U.S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities.

RETENTION AND DISPOSAL:

Files constitute a historical data base and are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Chief, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940. Telephone: (408) 646-2951.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

Written requests for information should contain the full name, Social Security Account Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as drivers license, or military or other ID card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

RECORD SOURCE CATEGORIES:

The Military Services, the Veterans Administration, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Civil Service Commission.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-10361 Filed 4-14-82; 8:45 am]

BILLING CODE 3620-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Peaceful Uses of Atomic Energy; Proposed Subsequent Arrangement Between United States and European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the shipment of 20 kilograms of irradiated highly enriched uranium fuel from the ESSOR research reactor in Italy to the Department of Energy facilities at Savannah River and Idaho for reprocessing and storage.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for the return of U.S. origin highly enriched uranium (HEU) is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad. This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice (April 30, 1982).

Dated: April 9, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,
Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-10272 Filed 4-14-82; 8:45 am]

BILLING CODE 6450-01-M

Peaceful Uses of Atomic Energy; Proposed Subsequent Arrangements Between United States and European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales:

Contract S-EU-724, to the Office des Rayonnements Ionisants, France, 85 grams of thorium for use as standard reference material.

Contract Number S-EU-725, to the Omnuim Scientific Industriel, France, 102 grams of natural uranium for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice, (April 30, 1982).

Dated: April 9, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-10273 Filed 4-14-82; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on April 27 and 28, 1982, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:30 a.m. on April 27. This meeting is being held in order to permit representatives of some of the members of Subcommittee A to participate in the Joint Government/Industry Design Group which has been established by the IEA to prepare the fourth IEA Allocation Systems Test

(AST-4). The expected participants at the meeting are representatives of the Governments of Canada, Denmark, Germany, Japan, the Netherlands, Sweden, and the United States, representatives of the IEA Secretariat, and representatives of the following members of Subcommittee A:

British Petroleum Co. Ltd.
Exxon Corporation
Mobil Oil Corporation
Shell International Petroleum Company Ltd.
Statoil
Texaco Inc.

The meeting will be open to representatives of all members of Subcommittee A.

The agenda for the meeting is:

1. Matters arising from first Meeting of the Group:
 - (a) Testing of Pricing Principles;
 - (b) NESO Objectives and Methods of Assessing Their Performance;
 - (c) Logging and Matching Voluntary Offers;
 - (d) Relevant Action Points from AST-3;
 - (e) Structure of AST-4;
 - (f) Data Base and Data Testing.
2. Work Programme: AST-4 Test Guide.
3. Future Meetings.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., April 9, 1982.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 82-10274 Filed 4-14-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-2103-8]

Science Advisory Board Executive Committee; Meeting; Amended Notice

Notice is hereby given in accordance with Pub. L. 92-463 of a change in the agenda of the Executive Committee meeting of the Science Advisory Board (SAB) to be held April 22-23, 1982. Publication of the original agenda appeared in the Federal Register on April 2, 1982, p. 14220. The amended notice is to inform the public that the SAB review of "Research Outlook 1982" on April 22, 1982 is postponed. The Committee agenda will now be as follows: Update on SAB Review of Regulations; Draft Charge to the Subcommittee on High-Level Radioactive Waste Disposal; Health Advisories for Safe Drinking Water; Lead-Phase-Down; Effluent Guidelines for Organic Chemicals and Plastics; Research Outlook 1982 Update; and

Multimedia Health Assessments for Toxic Pollutants. For further information, contact Dr. Terry F. Yosie, Acting Director, Science Advisory Board (202) 755-0696 before close of business April 19, 1982.

Terry F. Yosie,

Acting Director, Science Advisory Board.

April 13, 1982.

[FR Doc. 82-10487 Filed 4-14-82; 9:31 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 79-166; FCC 82-93]

Administrative Conference for AM Broadcasting in Region 2; Report

AGENCY: Federal Communications Commission.

ACTION: Report.

SUMMARY: This action releases the Report to the Department of State by Mr. Kalmann Schaefer, Chairman of the United States Delegation to the ITU Administrative Conference on Medium Frequency (AM) Broadcasting in Region 2 (the Western Hemisphere).

The Final Acts of that Conference, which were signed at Rio de Janeiro on December 19, 1981 by most of the countries of the Western Hemisphere, including the United States, establishes an agreed basis for mutual protection, by the AM Broadcasting stations operating in North, Central and South America and the Caribbean area, against objectionable interference.

The Report furnishes useful background information for applicants for new and changed AM broadcast facilities, who are required to comply with the Final Acts. The latter may be obtained from the Downtown Copy Center, 1114 21st Street, N.W., Washington, D.C. 20037.

DATE: The Rio de Janeiro Final Acts entered into effect on January 1, 1982, except as otherwise provided in some portions of them.

FOR FURTHER INFORMATION CONTACT: Louis C. Stephens (202) 632-7792 (Legal) Larry W. Olson (202) 254-3394 (Engineering).

SUPPLEMENTARY INFORMATION:

Fourth Report

Adopted: February 18, 1982.

Released: March 30, 1982.

In the matter of The Administrative Conference for AM Broadcasting in Region 2.

By the Commission:

1. On December 19, 1981, the Regional Administrative Conference on Medium Frequency (AM) Broadcasting in Region 2 (Western Hemisphere) concluded with the signing, by the representatives of most of the countries of North, Central and South America and the Caribbean, of the Final Acts of the Conference. The United States was among the signatories.

2. The Final Acts, a 140-page document, consists of a Region 2 Agreement on AM Broadcasting (including its three Annexes), Resolutions, and Recommendations adopted by the Conference, together with accompanying statements by signatories in the portion designated as the "Final Protocol." Annex 1 to the Agreement constitutes the Region 2 "Plan," which is the starting inventory of operating and planned AM stations.

3. The various portions of the Final Acts are summarized in the formal *Report of the United States Delegation*, submitted to the Secretary of State. As a whole, the Final Acts define a scheme for the use, by Western Hemisphere countries, of the 535-1605 band for AM broadcasting, with mutual protection against objectionable interference. Provision is made for the inclusion of Region 2 AM assignments for operating stations in the Master Register maintained by ITU's International Frequency Registration Board (IFRB) on a basis which affords protection against subsequently notified operating stations in non-signatory countries in Region 2, and in countries in other Regions. The basis of the new Regional scheme is the Region 2 Plan (Agreement, Annex 1), the technical standards for mutual protection (principally in Agreement, Annex 2), and procedures to modify the Plan by the introduction of new or changed facilities or delete discontinued assignments (Agreement, Articles 4 and 5).

4. In addition to procedures set out in the Agreement and its Annexes, which enter into effect on July 1, 1983, others are set out in several Resolutions adopted by the Conference. Resolution COM4/1 provides for post-Conference action on tasks unfinished at the Conference. These include the verification and correction of the data on which the Plan is based, and the elimination of unaccepted, objectionable interference caused to or by those assignments which, because of that interference, are separately recorded in a portion of the Plan designated "List B." The remaining assignments, which cause or receive no unaccepted interference, are included in "List A" of the Plan. Resolution COM4/1 also sets

out the basis for protection to the service areas of stations included in List B. Resolution COM 4/2 sets out the basis for encouraging non-signatory countries to participate in the Regional scheme. Resolution GR PL/1 provides for recordation of assignments in the Plan in the Master Register.

6. While the objective of protecting existing AM broadcast services was broadly achieved, several circumstances may make it necessary in the future to adjust the frequency assignments or the facilities of some U.S. stations. Authorizations of new AM stations or changed facilities not included in the United States inventory which became part of the initial Regional Plan (Annex 1 to the Regional Agreement) will be subject to such change of status and need for facilities adjustments as may result from corrections entered into the Plan up to August 1, 1982 (see paragraph 5 of Annex 1 to Resolution COM 4/1). Attention is also invited to paragraph 1 of Annex 1 to Resolution COM 4/1, which provides that each Administration (the FCC, in the case of the United States) is called upon to submit to the IFRB, no later than March 31, 1982, corrections to the data in the Plan which it has found to be necessary.

7. Additional adjustments may become necessary as the Commission proceeds with negotiations looking toward the removal of incompatibilities among the assignments in List B. It is possible that adjustments may also be required to counteract the effects of increasing interference from stations in Cuba, which did not sign the Final Acts at Rio.

8. While the Region 2 Agreement will not acquire the status of a treaty until it is ratified, the United States has, by signing the Final Acts, expressed the intention to apply the procedures and protection standards set out in the Final Acts. Given the decision by most of the countries of this Hemisphere to adopt a commonly-agreed, hemisphere-wide basis for protection of each others' AM services, and the efforts being made to encourage the remaining non-signatories to adhere, it is, in the Commission's view, in the public interest for the United States to conform with the Region 2 scheme, subject to the reservation made by the United States Delegation of the right to take such action as may prove necessary to protect AM service in the United States against objectionable interference received from stations in other countries.

9. The Commission is preparing to inaugurate proceedings to announce and seek comment upon the steps it will be

called upon to take in conforming United States practice with the procedures and protection standards agreed at Rio. For one thing, it will be necessary that applicants and the Commission determine compliance with the Rio Final Acts in the same manner as is now necessary with respect to NARBA (North American Regional Broadcasting Agreement) and the United States-Mexican Agreement on AM Broadcasting. These agreements continue to apply to their signatories. Although Canada, and the Bahamas, have given indication of their intention to withdraw from NARBA, such withdrawal would not become effective until a year after formal notification, which has not yet been received. The Region 2 Agreement makes provision for the entry of its signatories into bi-lateral or multi-lateral agreements or arrangements on any mutually agreed basis which respects the rights of other signatories to the Regional Agreement.

10. These future proceedings will provide for comment on amendments to the rules and on the procedures which will be proposed to give effect, within the United States, to the Final Acts. Also, the Commission will welcome advice by the Advisory Committee on Radio Broadcasting.

11. Copies of the Final Acts and the Report of the United States Delegation may be obtained from the Downtown Copy Center, 1114 21st Street, N.W., Washington, D.C. 20037, telephone (202) 452-1422.

12. Inquiries relating to these proceedings may be addressed to Louis C. Stephens, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 82-10350 Filed 4-14-82; 8:45 am]
BILLING CODE 6712-01-M

TIAG Auditing and Regulatory Subcommittee; First Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the TIAG Auditing and Regulatory Subcommittee scheduled to meet at 3:00 p.m. on Tuesday, April 27, 1982, in Room A-106 of the FCC's offices at 1229 20th Street NW., Washington, D.C. The meeting is open to the public. The preliminary agenda is as follows:

- I. Organizational Matters
- II. Assignments of Subcommittees
- III. Committee Functions
- IV. Other Business
- V. Presentation of Oral Statements
- VI. Adjournment

With prior approval of the Subcommittee Chairman, Hugh Gower, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone wishing to make an oral presentation should contact Mr. Gower (404/658-1776) at least five days prior to the meeting date.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 82-30349 Filed 4-14-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

First American Corporation, Nashville, Tennessee; to acquire 51 percent or more of the voting shares or assets of First Eastern National Bank, Kingsport, Tennessee. Comments on this application must be received not later than May 9, 1982.

B. Federal Reserve Bank of Dallas
(Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

National Bancshares Corporation of Texas, San Antonio, Texas; to acquire 100 percent of the voting shares or assets of National Bank of Commerce—Perrin Beitel, San Antonio, Texas.

Comments on this application must be received not later than May 9, 1982.

By Order of the Board of Governors of the Federal Reserve System, April 9, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10275 Filed 4-14-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Bancshares of St. Landry, Inc.*, Opelousas, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Opelousas, Louisiana. Comments on this application must be received not later than May 9, 1982.

2. *First Newton Corporation*, Newton, Mississippi; to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Newton, Newton, Mississippi. Comments on this application must be received not later than May 6, 1982.

3. *Guaranty Bancshares, Inc.*, Lafayette, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Guaranty Bank & Trust Company, Lafayette, Louisiana. Comments on this application must be received not later than May 6, 1982.

B. Federal Reserve Bank of Chicago
(Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Camden Financial Corporation, Camden, Indiana; to become a bank holding company by acquiring 80 percent or more of the voting shares of The Camden State Bank, Camden, Indiana. Comments on this application must be received not later than May 6, 1982.

C. Federal Reserve Bank of Minneapolis (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

Owatonna Bancshares, Inc., Owatonna, Minnesota; to become a bank holding company by acquiring 86.8 percent or more of the voting shares of Owatonna State Bank, Owatonna, Minnesota. Comments on this application must be received not later than May 9, 1982.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Beverly Bancshares, Inc.*, Beverly, Kansas; to become a bank holding company by acquiring 97 percent or more of the voting shares of Beverly State Bank, Beverly, Kansas. Comments on this application must be received not later than May 6, 1982.

2. *Delaware Bancshares, Inc.*, Jay, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of The Delaware County Bank, Jay, Oklahoma. Comments on this application must be received not later than May 9, 1982.

By Order of the Board of Governors of the Federal Reserve System, April 9, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10276 Filed 4-14-82; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover International Banking Corp.; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Manufacturers Hanover International Banking Corporation, a Miami, Florida, corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Boston, Massachusetts. Manufacturers Hanover International Banking Corporation operates as a subsidiary of Manufacturers Hanover Trust Company, New York, New York.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 9, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10277 Filed 4-14-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(i), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicted for that application. Comments and request for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and

received by the appropriate Federal Reserve Bank not later than May 8, 1982.

A. Federal Reserve Bank of Boston (Richard E. Randall, vice president), 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Industrial National Corporation*, Providence, Rhode Island (consumer finance activities; California): To engage, through its subsidiary, Mortgage Associates, Inc., in consumer finance activities involving the origination and brokering of consumer loans to third parties. These activities would be conducted from an existing office located at 5553 Sky Parkway, Sacramento, California, serving the State of California.

2. *Industrial National Corporation*, Providence, Rhode Island (mortgage banking; Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Wisconsin, Alabama, Florida, Kansas, Oklahoma, Illinois, Michigan, Minnesota, Missouri, Arizona, California, Nevada, Utah and Colorado): To engage *de novo* through its subsidiary, Mortgage Associates, Inc. (MAI), in the activities of making, selling and servicing of loans secured by junior liens on residential real estate. These activities would be conducted from offices located in the following: Bedford, New Hampshire (serving the States of Connecticut, Maine, Massachusetts, New Hampshire and Vermont); Hillside, Illinois; Homewood, Illinois; Joliet, Illinois; Palos Hills, Illinois; Rockford, Illinois; Schaumburg, Illinois, and Waukegan, Illinois (the foregoing seven Illinois offices serving northeastern Illinois); Grand Rapids, Michigan (serving southwestern Michigan); Fairview Heights, Illinois; Clayton, Missouri, and St. Charles, Missouri (the three offices together serving the greater St. Louis-East St. Louis metropolitan area); Appleton, Wisconsin, and Wauwatosa, Wisconsin (together serving eastern Wisconsin); Eau Claire, Wisconsin (serving northwestern Wisconsin); Bloomington, Minnesota, and Brooklyn Park, Minnesota (together serving the greater Minneapolis-St. Paul metropolitan area); Anniston, Alabama, and Birmingham, Alabama (together serving northern and central Alabama); St. Petersburg, Florida (serving west-central Florida, including the greater Tampa-St. Petersburg metropolitan area); Wichita, Kansas (serving south-central Kansas, including the greater Wichita metropolitan area); Oklahoma City, Oklahoma (serving central Oklahoma, including the greater Oklahoma City metropolitan area); Flagstaff, Arizona, and Phoenix, Arizona (together serving the major portion of the state of Arizona and Imperial

County in California); Sacramento, California (serving central California, including the greater Sacramento metropolitan area and the city of Fresno); Las Vegas, Nevada (serving Clark County, Nevada); and Orem, Utah, and Vernal, Utah (together serving northern Utah, the State of Wyoming and northwestern Colorado). Such activities would be conducted in New Hampshire under the trade name "Atlantic Mortgage Associates," and in Wisconsin through Amortized Mortgages, Inc., a subsidiary of MAI.

B. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

Barclays Bank Limited and its subsidiary, *Barclays Bank International Limited*, each a bank holding company whose principal office is in London, England (consumer finance-Abilene, Texas): To engage through their subsidiary, Barclays American/Financial, Inc., a Texas Corporation ("BAF"), in making direct consumer loans, including loans secured by real estate, and purchasing of sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning); and acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by insurance underwriting subsidiaries of Barclays American Corporation, a North Carolina corporation and the direct parent of BAF. These activities will be conducted in a geographic area within a 25 mile radius of the city of Abilene, Texas. This application is to be relocated an office of BAF from 261 Pine Street to 4147 North First Street, both in Abilene, Texas.

C. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

Republic Bancorp., Inc., Louisville, Kentucky (insurance activities; Kentucky): To engage, through a *de novo* subsidiary, Republic Insurance Agency, Inc., in the operation of an insurance agency with respect to credit life and credit accident insurance. These activities would be conducted from an office in Louisville, Kentucky, serving the service area of the Applicants bank subsidiary, Republic Bank and Trust Company, Louisville, Kentucky.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (trust company activities; United States): To engage through its subsidiary, Security Pacific National Trust Company of New York, in certain trust company activities, including various corporate trust functions, such as acting as clearing agent, paying agent, transfer agent and indenture trustee; acting as custodian and managing agent, which would include as an incident thereto, the lending of securities; and the making of call loans to securities dealers. These activities would be conducted from an office of Security Pacific National Trust Company of New York located in New York, New York, serving the United States.

E. Other Federal Reserve Banks:
None.

Board of Governors of the Federal Reserve System, April 8, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10278 Filed 4-14-82; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

First Alabama Bancshares, Inc., Montgomery, Alabama; to acquire 100 percent of the voting shares of The Anniston, National Bank, Anniston, Alabama. Comments on this application must be received not later than May 12, 1982.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice

President) 925 Grand Avenue, Kansas City, Missouri 64198:

Sterling Bancshares, Inc., Tecumseh, Nebraska; to acquire 24.9 percent of the voting shares or assets of Bank Management, Inc., Wahoo, Nebraska, a bank holding company with respect to First National Bank of Wahoo, Wahoo, Nebraska. Comments on this application must be received not later than May 12, 1982.

C. Federal Reserve Bank of Dallas
(Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Howland Bancshares, Inc.*, San Antonio, Texas; to acquire 76 percent of the voting shares or assets of First State Bank & Trust Company, Port Lavaca, Texas. Comments on this application must be received not later than May 12, 1982.

2. *Howland Bancshares, Inc.*, San Antonio, Texas; to acquire 65 percent of the voting shares or assets of The Bank of Robstown, Texas. Comments on this application must be received not later than May 12, 1982.

Board of Governors of the Federal Reserve System, April 12, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10300 Filed 4-14-82; 8:45 am]

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[Reg. Z; Doc. No. R-0395]

Truth in Lending; Intent To Make a Determination of Effect on State Laws (Arizona, Florida, Missouri, and South Carolina)

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of intent to make a preemption determination.

SUMMARY: In accordance with Appendix A to 12 CFR Part 226 (46 FR 20906, April 7, 1981) and in response to five requests, the Federal Reserve Board is publishing for comment a notice that a determination will be made as to whether certain state laws are inconsistent with the Truth in Lending Act or Regulation Z and therefore preempted. The laws of four states, Arizona, Florida (two requests), Missouri, and South Carolina, are the subject of the requests. The Board intends that any determinations that provisions of these state laws are preempted, which would trigger the prohibition against giving such preempted disclosures, will have an effective date of October 1, 1983.

This notice includes a discussion of the relationship between the federal law

and certain laws in the states mentioned above. The state laws are assessed in terms of their consistency or inconsistency with the federal law. The notice also includes a chart listing the laws reviewed and the proposed determination as to each provision. In addition, alternative procedures are outlined that the Board might follow in taking action on other states' laws that are not the subject of these particular determinations.

DATE: Comments must be received on or before June 15, 1982.

ADDRESS: Comments should be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, N.W., Washington, D.C., between 8:45 a.m. and 5:15 p.m. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Lynn Goldfaden, Rugenia Silver, or Clarence Cain, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452-3667 or (202) 452-3867.

SUPPLEMENTARY INFORMATION: (1) *General.* Section 111(a)(1) of the Truth in Lending Act authorizes the Board to determine whether any inconsistency exists between chapters 1, 2, and 3 of the federal act or regulation and any state law relating to the disclosure of information in connection with consumer credit transactions. If the Board determines that a state-required disclosure is inconsistent with the federal law, the state law is preempted to the extent of the inconsistency, and creditors in that state may not make disclosures using the inconsistent term or form.

Section 226.28(a)(1) of Regulation Z, which implements Section 111 of the act, provides that state requirements are inconsistent with the federal provisions if the state law requires a creditor to make disclosures or take actions that contradict the federal law. As provided in Section 226.28(a)(1), an example of a contradictory state law is one that requires the use of the same term for a different amount or a different meaning than the federal law, or one that requires the use of a term different from the federal term to describe the same item.

In the Board's view, the congressional scheme contemplates that a state law is contradictory, and therefore preempted, if it interferes with the intent of the federal scheme. Those state laws that

do not interfere with the federal scheme would be left in place. Moreover, the fact that a state law requires information beyond the disclosures called for by the Truth in Lending or imposes procedural requirements beyond those imposed by Truth in Lending will not, in and of itself, trigger federal preemption of that state law. However, a state disclosure or procedural requirement would be preempted if it significantly impeded the operation of the federal law or interfered with the purposes of the federal statute. Applying this principle, state provisions on disclosure of the cost of credit, analogous to the finance charge or annual percentage rate disclosures under Regulation Z, will be reviewed more strictly; since these disclosures are particularly significant, any contradiction of the corresponding federal disclosure would interfere with the intent of the federal scheme.

If the Board determines that a state law is inconsistent with, and therefore preempted by, federal law, creditors in that state may not make disclosures using the inconsistent term or form. The Board interprets the provision set forth in section 111(a)(1) of the act, regarding use of the preempted law, as an absolute prohibition against giving preempted disclosures at all. Making those disclosures, even on a separate document from the federal disclosures, would not be permissible. In making preemption determinations, however, the Board does not intend to affect the validity of any contract or obligation under state law.

When the Board makes a determination of preemption, it will provide a transition period for creditors to make the necessary forms changes. Pursuant to the timing provisions in section 105(d) of the act, determinations would have an effective date of the October 1 that follows the determination by at least six months. As permitted by the statute, the Board may lengthen the time if necessary for creditors to accommodate new requirements, or it may shorten the time if necessary to comply with court findings or to prevent unfair or deceptive disclosure practices. At their option, creditors may begin complying with the new requirements prior to the effective date.

(2) *Impact of preemption determination on similar laws in other states.* Although the preemption requests that are the subject of this notice arise from specific laws in four states, similar or identical provisions exist in the laws of other states. The question arises as to what impact, if any, the Board's determination as to a

particular state's law should have on similar provisions in other state laws that are not the subject of the specific request for Board action. For example, the finance charge disclosed under Florida law may contradict the federal disclosure, and therefore, the Board proposes to determine that it is preempted. Other states may have finance charge provisions similar to the Florida law. Moreover, even a determination that a state law is not preempted may have implications for those other state laws. The Board is considering alternative procedures for dealing with this question, including those outlined below, and solicits comments on this issue.

1. A determination as to the law of one state would have no effect on the validity of a similar provision in another state. A determination as to the similar law, for which no request had been made, would await a specific request for a determination as to that law. The notice in the *Federal Register* announcing the decision would simply identify in some detail the reasons for the determination as to the state law in question, including the specific criteria used in the determination. Such notice would indicate that, if asked, the Board would make the same determination as to a similar law in another state.

2. A determination made in response to a request for one state's law would be applied to similar laws in other states. The *Federal Register* notice pertaining to a particular state law request also would solicit information on the existence of similar laws in other states. At the time of publication of the final determination as to the particular state law, the similar laws in other states would be listed with an indication that those laws will receive the same treatment at the close of a subsequent comment period, if no information is received that supports a different conclusion.

3. Determinations would be made by the Board on its own motion. The Board would publish for comment a proposed set of preemption criteria, even in the absence of a specific preemption request. At the same time, the Board would publish examples of the application of those criteria to various state laws, although no preemption determination had been solicited, and make preemption determinations with regard to types of state laws, after an appropriate comment period.

The Board specifically solicits comment on these alternatives, as well as on other possibilities or combinations of the alternatives outlined above. The Board anticipates that, regardless of the

approach chosen, specific criteria will be identified for use in later determinations of whether particular state laws are preempted. The criteria will be sufficiently specific to allow creditors and other interested parties to analyze specific state law provisions in light of those criteria. Thus, interested parties may determine for themselves the likely outcome of a preemption determination request.

(3) *Discussion of requests received.* In response to five requests, the Board is reviewing state law provisions in Arizona, Florida (two requests), Missouri, and South Carolina. The requests are available for public inspection and copying, subject to the Board's Rules Regarding Availability of Information (12 CFR Part 261).

Arizona. The Board has been asked to examine the Arizona Motor Vehicle Time Sales Disclosure Act, Chapter 2.1. The request specifically addresses Section 44-287; the requesting party believes that the terminology requirements in this Section are inconsistent with the federal closed-end credit provisions, Section 128 of the federal act and Section 226.18 of Regulation Z. Sections 44-287 B.1-7. set forth the items that must be included in a contract for the sale of a motor vehicle, such as the cash price, the amount and type of downpayment, and the amount of the finance charge and the rate at which it is computed.

As a general rule, a state law is not inconsistent with federal law simply because it requires that the contract provide more information about a transaction than is required in the federal disclosures. Of course, such additional state disclosures must not appear with the federal disclosures segregated in accordance with Section 226.17(a) of Regulation Z. So long as the state-required information appears elsewhere, however, it normally would not be preempted. For example, the insurance information required by Section 44-287 B.4. of the Arizona law may be given apart from the segregated federal disclosures.

However, other state disclosures may be preempted because they clearly contradict the federal disclosures, even if they do not appear with the federal disclosures. Four examples of this are contained in the Arizona law, and the Board proposes to determine that these provisions are preempted.

First, the disclosure of the rate at which the amount of the finance charge is computed (Section 44-287 B.6.) is the same as the annual percentage rate disclosure in Section 226.18(e) of Regulation Z. Second, the time balance

disclosure (Section 44-287 B.7.) is equivalent to the total of payments disclosure in Section 226.18(h). Third, the final cash price balance disclosure (Section 44-287 B.5.) is equivalent to the amount financed disclosure required by Section 226.18(b). These state disclosures require the use of specific terminology, and would be preempted by the federal law in these three cases, since the two laws require different terms to describe the same item. Consequently, these state disclosures could not be made; their federal counterparts would be given with the federal disclosures, using the terms "annual percentage rate," "total of payments," and "amount financed."

Section 44-287 B.7. requires disclosure of the number of installments and the amount and due date of each. Although the Board proposes to determine that the time balance disclosure in this paragraph is preempted, the other disclosures in Section 44-287 B.7. are not preempted. They are consistent with the payment schedule disclosure required by Section 226.18(g) of Regulation Z. A provision is preempted only to the extent of the inconsistency.

Finally, the Board proposes to determine that Arizona's finance charge disclosure (Section 44-287 B.6.) also is preempted. The state's law contains no provision comparable to Section 226.4 of Regulation Z detailing the items included in or excluded from the finance charge. Therefore, it is likely that the amount computed and disclosed under Arizona law would contradict the amount computed and disclosed under the federal law. Since the same term is used for different amounts, the state disclosure would be preempted. Creditors would disclose the finance charge in accordance with the rules specified in the federal law.

Preemption of the finance charge disclosure would have no effect on state requirements (such as those found in Section 44-291) covering maximum rates that may be charged and on any other cost-of-credit rules unrelated to disclosure.

As discussed above and pursuant to the authority granted in 15 U.S.C. 1610, the Board proposes to determine that the following provisions of the Arizona law are preempted:

- Section 44-287 B.5.—The final cash price balance disclosure.
- Section 44-287 B.6.—The amount of the finance charge and the rate at which it is computed.
- Section 44-287 B.7.—The time balance disclosure.

Florida. The Board has been asked to determine whether the disclosure

requirements of Florida Statute 520, Retail Installment Sales, Parts I and II, are inconsistent and contradict the requirements of Regulation Z. Part I covers motor vehicle sales financing, and Part II deals with retail installment sales.

Some differences exist between the contractual disclosures required by Sections 520.07(2) and 520.34(2) of the state law and the closed-end credit disclosures required by Section 128 of the federal act and Section 226.18 of Regulation Z. The state requires disclosure of the cash price, downpayment, and the amount of licenses, taxes, and official fees. Section 226.18 (j) and (o) of Regulation Z requires disclosure of any downpayment and certain fees, respectively; the cash price is not a required federal disclosure. With regard to the downpayment disclosure, the Board notes that the downpayment disclosed under both the federal and state schemes should be the same amount. Moreover, the federal law, unlike the state law, requires no specific terminology for the downpayment information; therefore, no conflict arises as to terminology. In regard to the disclosures for fees, neither the federal nor the state provision mandates any particular terminology. In the Board's view, the state disclosures discussed in this paragraph are not inconsistent with the Truth in Lending disclosures, and the Board proposes to determine that these provisions are not preempted.

The amount financed disclosure required by Sections 520.07(2)(f) and 520.34(2)(f) of the state law calls for a different figure than the amount financed disclosed under Section 226.18(b). Florida law makes no provision for amounts paid separately in cash at the outset of the transaction for insurance, licenses, taxes, official fees, or other items. Under the federal law, such amounts either might be excluded from the disclosures completely or might constitute prepaid finance charges that are deducted in arriving at the amount financed. Since the state law makes no provision for such a situation, the amount financed, would include these charges. However, the Board proposes to determine that the disclosure is not preempted, since the amount financed is not a state-required term.

The same result applies to the state-required disclosure of deferred payment price, similar to the total sale price disclosure under federal law. The Board proposes to determine that the state term is not preempted, since its use is not required.

Sections 520.07(2)(c) and 520.34(2)(c) require the disclosure of the difference

between the cash price and the downpayment, referred to as the "unpaid balance of cash price." It is possible that this amount could be the same as the amount financed disclosed under Section 226.18(b) of Regulation Z. The Board proposes to determine that these provisions are preempted, since they require use of a different term for what may be the same amount required to be disclosed under federal law.

Sections 520.02(8) in Part I and 520.31(11) in Part II contain similar provisions defining the finance charge to be disclosed under Sections 520.07(2)(g), 520.34(2)(g), and 520.35(2)(d). (The latter section requires disclosures for revolving accounts.) The provisions defining the finance charge differ from the federal finance charge provisions in Section 106 of the act and Section 226.4 of Regulation Z. The Board has identified three variations in the state finance charge definition that contradict the federal provision and appear to require preemption of the state disclosure provisions. First, unlike Section 106(e) and Section 226.4(c)(7), the state law contains no exclusion from the finance charge for fees in a transaction secured by real property or in a residential mortgage transaction. The finance charge disclosed under state law would include items (such as title examination fees, title insurance, and notary fees under Section 226.4(c)(7) of Regulation Z) that the federal law would exclude.

Second, under the state law, taxes, if itemized and disclosed, may be excluded from the finance charge at the creditor's option. The federal law does not contain such a broad provision, although Section 226.4(e)(1) provides a similar option for certain types of taxes. Thus, the state disclosure may both include taxes excluded under federal law and exclude taxes included under federal law. For example, a documentary stamp tax is excluded from the finance charge under federal law. (See Comment 4(a)-3 in the Regulation Z Official Staff Commentary.) Unless such a charge is itemized and disclosed in accordance with Florida law, the tax would be included in the finance charge.

Third, the state provisions allow the exclusion from the finance charge of any type of charge which is not for credit, if the exclusion is approved by the state department of banking and finance and if the charge is itemized and disclosed. Such exclusions could cause the finance charge to be different from the amount under federal law.

Therefore, the amount of the finance charge computed and disclosed under

state law could differ from the amount computed and disclosed under the federal provision. Although use of the state term is not required, the amount itself could contradict the federal law. Disclosure of the state amount, regardless of the terminology used, would significantly interfere with the federal scheme by detracting from the federally-required finance charge disclosure. The Board proposes to determine that Sections 520.07(2)(g), 520.34(2)(g), and 520.35(2)(d), which require disclosure of the amount of the finance charge, are preempted. Consequently, creditor would disclose the charge in accordance with the federal provisions. Disclosure of the charge as computed under state law would be prohibited.

The requirements in section 520.07(2)(g) to disclose a description of each amount included in the finance charge and in section 520.35(2)(d) to itemize the finance charge would not be preempted, since they do not contradict any required federal disclosure. Similarly, the Board would not make a finding of preemption with regard to the finance charge definition provisions themselves (sections 520.02(a) and 520.31(11)) or any other finance charge rules that do not relate to disclosure.

Sections 520.07(2)(h) and 520.34(2)(h) require that the contract disclose the total of payments, using that term, and the payment schedule (the number of installments and the amount and due date of each). The disclosures correspond to section 226.18(h) of Regulation Z, the total of payments disclosure, and section 226.18(g), the payment schedule disclosure. The state law requires use of the same term as the federal law, that is, total of payments, for what may be a different amount than that disclosed under federal law. Therefore, the Board proposes to determine that the total of payments disclosure provisions are preempted. The payment schedule disclosure would not be preempted, since it does not contradict its counterpart in the federal law.

As discussed above and pursuant to the authority granted in 15 U.S.C. 1610, the Board proposes to make a determination of preemption with regard to the following provisions of Florida law:

- Sections 520.07(2)(c) and 520.34(2)(c)—The disclosure of unpaid balance of cash price.
- Sections 520.07(2)(g), 520.34(2)(g), and 520.35(2)(d)—The finance charge disclosure.

- Sections 520.07(2)(h) and 520.34(2)(h)—The total of payments disclosure.

Missouri. The Board has been asked to determine whether or not certain provisions of Missouri law are inconsistent with the federal law. The subjects of the request are section 365.070 on motor vehicle time sales and section 408.260 on retail credit sales of all other goods. The two sections contain almost identical disclosure requirements.

The first contradictions of federal law by Missouri law are found in sections 365.070-6(10) and 408.260-5(7); the former is a disclosure for the time price differential (defined in section 365.020(14), the latter for the time charge (defined in section 408.250(17)). Both of these disclosures, which refer to the cost of credit, correspond to the federal finance charge disclosure found in section 106 of the federal act and in section 226.4 of Regulation Z. However, unlike section 226.4 of Regulation Z, neither provision details the items included in or excluded from the charge. Under section 226.4(c)(1), for example, application fees charged to all applicants for credit are not finance charges.

Therefore, it is likely that the amounts computed and disclosed under state law would contradict the amount computed and disclosed under the federal provision. As discussed in regard to Florida law, although the state terms are not required to be used, the items themselves, that is, the cost of credit that is different in amount from the cost as determined under federal law, contradict the federal law. Disclosure of the state items, regardless of the terminology used, would significantly interfere with the federal scheme by detracting from the federally-mandated disclosure of the cost of credit. Consequently, the Board proposes to determine that sections 365.070-6(10) and 408.260-5(7) are preempted. As a result, creditors would disclose the cost of credit in accordance with the rules specified in the federal law. No disclosure would be permitted of the cost of credit as computed under state law.

Preemption of these state law provisions would have no effect on state requirements (for example, those found in section 365.120) as to maximum rates that may be charged, and any other cost-of-credit rules that do not relate to disclosure.

The remaining disclosures required in sections 365.070 and 408.260 do not

contradict the federal law, and therefore, the Board proposes to determine that they are not preempted.

As discussed above and pursuant to the authority granted in 15 U.S.C. 1610, the Board proposes to determine that the following provisions of Missouri law are preempted:

- Section 365.070-6(10)—The time price differential disclosure.
- Section 408.260-5(7)—The time charge disclosure.

South Carolina. The final request involves S.C. Code Ann. Sections 37-5-203 and 37-5-204.

Section 37-5-203 deals with civil liability for violation of disclosure requirements. This provision requires a creditor to correct an error within 15 days after discovering it in order to avoid civil liability for a violation of the state law. Section 130(b) of the federal act allows 60 days for such action. In the Board's view, the state provision does not contradict the federal one, and therefore, would not be preempted. The provision simply gives a consumer a separate action under state law for violations of its credit disclosure provisions.

Section 37-5-204, which provides a right to rescind certain credit transactions under state law, contains some differences from the federal rescission provision. The state provision covers only security interests in real property, rather than any property that constitutes a principal dwelling, as provided by section 125 of the federal act and section 226.23 of Regulation Z. The state law also requires the creditor to take certain actions (for example, the creditor must return money or property given by the debtor) within 10 days after receiving a rescission notice, rather than 20 days as allowed by federal law. The state law exempts fewer transactions; that is, more transactions are rescindable than under federal law. Finally, the South Carolina law, unlike the federal, contains no expiration date for the right of rescission if the required disclosures are not given.

These state requirements do not contradict the federal law. Therefore, pursuant to the authority granted in 15 U.S.C. 1610, the Board proposes to determine that these provisions are not preempted.

(4) *Analysis of state laws.* The following chart lists the state laws reviewed and the proposed action as to each provision.

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ARIZONA MOTOR VEHICLE TIME SALES DISCLOSURE ACT

PROVISION	DISPOSITION	REASON
§ 44-287 A. - Contract must identify seller, buyer, seller's place of business, buyer's residence or place of business, and a description of motor vehicle sold	Not preempted	Does not contradict any required federal disclosure
§ 44-287 B.1. - Contract must show cash sale price of motor vehicle	Not preempted	Cash sale price is not a required federal disclosure
§ 44-287 B.2. - Contract must show downpayment and whether made in money or goods	Not preempted	Although the amount disclosed should be the same under state and federal law, federal law does not require any specific terminology
§ 44-287 B.3. - Contract must show difference between items 1 and 2 above	Not preempted	No specific terminology is required for state disclosure
§ 44-287 B.4. - Contract must show information on insurance	Not preempted	Does not contradict any required federal disclosure
§ 44-287 B.5. - Contract must show final cash price balance	Preempted	Final cash price balance disclosure requires the use of a different term than federal law for what may be the same as federal disclosure of amount financed
§ 44-287 B.6. - Contract must show amount of finance charge and rate at which it is computed	Preempted	Even if not a state-required term, amounts computed under state law could include different components than the finance charge and annual percentage rate computed under federal law
§ 44-287 B.7. - Contract must show time balance and payment schedule	(1) Time balance disclosure preempted (2) Payment schedule disclosure not preempted	(1) Time balance disclosure requires use of a different term for what may be the same amount as the federal total of payments disclosure (2) Payment schedule disclosure does not contradict any required federal disclosure
§ 44-287 C. - Contract terms need not be in sequence set forth above; additional items may be included to explain calculations	Not preempted	Does not contradict any required federal disclosure

FLORIDA MOTOR VEHICLE SALES FINANCE ACT AND RETAIL INSTALLMENT SALES ACT

PROVISION	DISPOSITION	REASON
§§ 520.07(1)(a), 520.34(1)(a), & 520.35(1) - Contract must be in writing, signed by buyer and seller, and complete before being signed by buyer	Not preempted	Does not contradict any required federal disclosure
§§ 520.07(1)(b), 520.34(1)(b), & 520.35(1) - Contract must be in at least 6-point type and contain certain notices	Not preempted	Not a required federal disclosure

FLORIDA MOTOR VEHICLE SALES FINANCE ACT AND RETAIL INSTALLMENT SALES ACT (cont'd)

PROVISION	DISPOSITION	REASON
§§ 520.07(1)(c) & 520.34(1)(c) - Seller must provide copy of signed contract; disclosures must be given before consummation of transaction; right to rescind provided for motor vehicle transactions	Not preempted	Does not contradict any required federal disclosure
§§ 520.07(1)(d), 520.34(1)(d), & 520.35(1) - Contract must show identity of buyer and seller, place of business of seller, residence or place of business of buyer, and under §§ 520.07 and 520.34, a description of goods sold	Not preempted	Does not contradict any required federal disclosure
§§ 520.07(2)(a) & 520.34(2)(a) - Contract must show cash price of goods	Not preempted	Cash price is not a required federal disclosure
§§ 520.07(2)(b) & 520.34(2)(b) - Contract must show downpayment and whether made in money or goods	Not preempted	Although the amount disclosed should be the same under state and federal law, federal law does not require any specific terminology
§§ 520.07(2)(c) & 520.34(2)(c) - Contract must show unpaid balance of cash price (difference between (a) and (b) above)	Preempted	Unpaid balance of cash price disclosure requires use of a different term than federal law for what may be the same amount as the federal disclosure of amount financed
§§ 520.07(2)(d) & 520.34(2)(d) - Contract must show information on insurance	Not preempted	Does not contradict any required federal disclosure
§§ 520.07(2)(e) & 520.34(2)(e) - Contract must show amount of license, taxes, and fees	Not preempted	Does not contradict any required federal disclosure
§§ 520.07(2)(f) & 520.34(2)(f) - Contract must show amount financed (sum of (c), (d), and (e) above)	Not preempted	No specific terminology is required for state disclosure
§§ 520.07(2)(g) & 520.34(2)(g) - Contract must show amount of finance charge; in addition, § 520.07(2)(g) requires a description of each amount included in finance charge	(1) Amount preempted (2) Description not preempted	(1) Even if not a state-required term, amount computed under state law could include different components than finance charge computed under federal law (2) Description is not a required federal disclosure
§§ 520.07(2)(h) & 520.34(2)(h) - Contract must show total of payments and payment schedule	(1) Total of payments disclosure preempted (2) Payment schedule disclosure not preempted	(1) Total of payments disclosure requires use of the same term as the federal law for what may be a different amount from the federal disclosure (2) Payment schedule disclosure does not contradict any required federal disclosure

FLORIDA MOTOR VEHICLE SALES FINANCE ACT AND RETAIL INSTALLMENT SALES ACT (cont'd)

PROVISION	DISPOSITION	REASON
§§ 520.07(2)(1) & 520.34(2)(f) - Contract must show deferred payment price (sum of (a), (d), (e), and (g) above)	Not preempted	No specific terminology is required for state disclosure
§ 520.35(1) - Copy of account must be delivered to buyer before the due date of first payment; must state amount or method of calculating finance charge, or state that finance charge not more than that permitted by law will be charged	Not preempted	Does not contradict any required federal disclosure
§ 520.35(2) - Seller must give monthly or regular statements for any period in which there is any unpaid balance	Not preempted	Does not contradict any required federal disclosure
§ 520.35(2)(a) - Periodic statement must show previous balance and new balance	Not preempted	No specific terminology is required for federal disclosure
§ 520.35(2)(b) - Periodic statement must show cash price and date of each purchase, unless otherwise furnished by sales slip, for example	Not preempted	Does not contradict any required federal disclosure
§ 520.35(2)(c) - Periodic statement must show payments and credits	Not preempted	No specific terminology is required for federal disclosure
§ 520.35(2)(d) - Periodic statement must show amount of finance charge, itemized	(1) Finance charge disclosure preempted (2) Itemization not preempted	(1) Even if not a state-required term, amount computed under state law could include different components than finance charge computed under federal law (2) Does not contradict any required federal disclosure

MISSOURI MOTOR VEHICLE TIME SALES LAW AND RETAIL CREDIT SALES LAW

PROVISION	DISPOSITION	REASON
§§ 365.070-1 & 408.260-1 - Contract must be in writing, signed by buyer and seller, and complete before being signed by buyer; negotiable promissory note may be required	Not preempted	Does not contradict any required federal disclosure
§§ 365.070-2 & 408.260-2 - Contract must be in at least 8-point type and contain certain notices	Not preempted	Not a required federal disclosure
§§ 365.070-3 - Contract must specify in at least 10-point bold type that liability insurance is not included if that is the case	Not preempted	Not a required federal disclosure
§§ 365.070-4 & 408.260-3 - Seller must provide copy of signed contract; right to rescind provided	Not preempted	Does not contradict any required federal disclosure

MISSOURI MOTOR VEHICLE TIME SALES LAW AND RETAIL CREDIT SALES LAW (cont'd)

PROVISION	DISPOSITION	REASON
§§ 365.070-5 & 408.260-4 - Contract must identify buyer and seller, seller's place of business, buyer's residence, and goods sold; in addition, § 408.260-4 requires that contract describe security taken	Not preempted	Does not contradict any required federal disclosure
§§ 365.070-6(1) & 408.260-5(1) - Contract must show cash sale price of goods or services	Not preempted	Cash sale price is not a required federal disclosure
§§ 365.070-6(2) & 408.260-5(2) - Contract must show downpayment and whether made in money or goods	Not preempted	Although the amount disclosed should be the same under state and federal law, federal law does not require any specific terminology
§§ 365.070-6(3) & 408.260-5(3) - Contract must show difference between (1) and (2) above	Not preempted	No specific terminology is required for state disclosure
§§ 365.070-6(4) through 6(7) & 408.260-5(4) - Contract must show information on insurance	Not preempted	Does not contradict any required federal disclosure
§§ 365.070-6(8) & 408.260-5(5) - Contract must show amount of official fees	Not preempted	Does not contradict any required federal disclosure
§§ 365.070-6(9) & 408.260-5(6) - Contract must show amount of principal balance (in § 365.070, sum of 6(3) through 6(8); in § 408.260, sum of 5(3) through 5(5))	Not preempted	No specific terminology is required for state disclosure
§ 365.070-6(10) - Contract must show time price differential; § 408.260-5(7) - Contract must show time charge	Preempted	Even if not a required term, amount computed under state law could include different components than finance charge computed under federal law
§§ 365.070-6(11) & 408.260-5(8) - Contract must show time balance and payment schedule	Not preempted	No specific terminology is required for state disclosure, and disclosures do not contradict any required federal disclosure
§§ 365.070-6(12) & 408.260-5(9) - Contract must show time sale price	Not preempted	No specific terminology is required for state disclosure

SOUTH CAROLINA CONSUMER PROTECTION CODE

PROVISION

DISPOSITION

REASON

§ 37-5-203 - Creditor has 15 days after discovery of an error to correct it, thus avoiding civil liability	Not preempted	Although federal law allows 60 days to correct error to avoid civil liability, state law relates to civil liability for state violations, does not impair any right granted by federal TIL, and does not hinder compliance with federal TIL
§ 37-5-204 - Right to rescind: (1) Covers security interests in real property; (2) Creditor has 10 days from receipt of rescission notice to take certain actions; (3) No expiration date if required disclosures not given	Not preempted	State provision differs in some respects from federal right of rescission, but compliance with state law does not affect either creditors' ability to comply with federal law or consumers' rights under federal law

BILLING CODE 6210-01-C

(5) *Comment requested.* The Board specifically requests comment on the consistency or inconsistency with the federal law of any of the provisions in the states' laws discussed above. In addition, the Board welcomes comment on any other potential inconsistencies in other aspects of the state laws.

By Order of the Board of Governors of the Federal Reserve System, April 8, 1982.

William W. Wiles,
Secretary of the Board.

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BILLING CODE 6210-01-M

[Regs. M and Z; Doc. No. R-0394]

Consumer Leasing, Truth in Lending; Exemption Applications From the States of Maine and Connecticut

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of intent to make exemption determinations.

SUMMARY: The Board has received two applications for exemption from the Truth in Lending Act, as amended in 1980. The state of Maine has applied for an exemption from chapters 2, 4 and 5 of the act for transactions subject to the Maine Consumer Credit Code. The state of Connecticut has applied for an exemption from chapters 2 and 4 of the act for transactions subject to the Connecticut Truth in Lending Act. In accordance with Appendix B to Regulation Z (Truth in Lending) and Appendix A to Regulation M (Consumer Leasing), the Board is publishing notice of the applications, with opportunity for comment.

DATE: Comments must be received on or before June 15, 1982.

ADDRESS: Comments should be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, NW., Washington, D.C., between 8:45 a.m. and 5:15 p.m. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Rugenia Silver, Lynn Goldfaden or Clarence Cain, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 at (202) 452-3667 or (202) 452-3867.

SUPPLEMENTARY INFORMATION: (1) *General.* Sections 123, 171, and 186 of the Truth in Lending Act direct the Board to exempt from the act's requirements transactions that are subject to comparable state law requirements, if certain conditions are

met. For purposes of chapter 2 of the statute (truth in lending disclosures), the Board is directed to grant an exemption if it determines that the state law imposes requirements "substantially similar" to those imposed under chapter 2 and that there is "adequate provision for enforcement." The exemption standards for chapter 4 (fair credit billing) and chapter 5 (consumer leasing) are identical to those for chapter 2, with two modifications. Section 171(b), which sets forth exemption criteria for chapter 4, authorizes the Board to consider whether a state law gives "greater protection to the consumer," while section 186(b), addressing the exemption criteria for chapter 5, authorizes the Board to consider whether the state law gives "greater protection and benefit to the consumer."

The Truth in Lending Act was substantially revised by Congress on March 31, 1980 (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96-221). Prior to the revision of the act five states—Maine, Massachusetts, Connecticut, Wyoming and Oklahoma—had been granted exemptions from chapter 2 of the Truth in Lending Act. As of October 1, 1982, those exemptions will expire.

The revised act was to become mandatory on April 1, 1982. Subsequent to the filing of the requests for exemptions from the states of Maine and Connecticut, the effective date of the act was changed to October 1, 1982 (Title III of the International Banking Facility Deposit Insurance Act, Pub. L. 97-110, 95 Stat. 1513). If granted, the new exemptions will become effective October 1, 1982. If the requests for exemption are denied or the state law upon which the original exemption was granted is repealed prior to the granting of a new exemption, creditors in that state will be expected to be in compliance with the revised federal regulation as of October 1, 1982.

The state of Maine, through its Bureau of Consumer Protection, has applied for an exemption from the requirements of chapters 2, 4 and 5 of the revised federal statute and Regulation Z (Truth in Lending) and M (Consumer Leasing). The application contains the complete text of the Maine Consumer Credit Code, the adoption by reference of revised Regulation Z, an analysis of the provisions of state law in relation to the Truth in Lending Act and Regulations Z and M, and information regarding the enforcement activities of Maine's Bureau of Consumer Protection.

The state of Connecticut, through its Banking Commissioner, has applied to the Board for an exemption from the

requirements of chapters 2 and 4 of the revised federal statute and Regulation Z (Truth in Lending). The Connecticut statute contains a section on consumer leasing, but the state is not at this time requesting an exemption from the requirements of chapter 5 and Regulation M (Consumer Leasing). The application contains the complete text of the Connecticut Truth in Lending Act, the adoption by reference of revised Regulation Z and of all provisions of the federal statute not set forth in the state act, an analysis of the provisions of state law in relation to the Truth in Lending Act, and information regarding the enforcement activities of Connecticut's Consumer Protection Division.

In accordance with Appendix B to Regulation Z and Appendix A to Regulation M, the Board is publishing for comment notice of the applications for exemption, which it has tentatively determined should be granted. Subject to the Board's Rules Regarding Availability of Information (12 CFR Part 261), copies of the Maine and Connecticut applications are available from the Board in Washington or from the Federal Reserve Bank of Boston.

The requirement in the statute that a comparable state law be "substantially similar" to the federal law does not, in the Board's view, require that the state law mirror exactly the federal requirement. Any differences that exist, however, should be so minor as not to deprive consumers of any of the protections guaranteed by the federal act and regulations nor to significantly complicate compliance by interstate creditors. With regard to disclosure requirements, the state provisions should produce disclosure statements that afford consumers an adequate basis of comparison between the information provided by a state-regulated creditor and information provided by a creditor subject to the federal statute and regulation.

In determining whether to grant an exemption under the Truth in Lending Act, the Board will also analyze the adequacy of state enforcement efforts. While that analysis must be done on an individual basis, following are some of the major criteria that will be considered in making such a determination:

- Does the state statute or regulation provide for restitution for overcharges for Truth in Lending violations? Is that restitution provision similar to the requirements of Section 108 (e) of the Truth in Lending Act and/or the enforcement policy guide promulgated

by the Federal Financial Institutions Examination Council?

- What is the past or potential enforcement ability of the state?
- What resources have been or will be committed to staffing and funding the office or officer responsible for enforcing the state law?

The relevant questions may vary, depending on whether the state applying for the exemption was previously exempt from Regulation Z. With respect to states currently exempt, information regarding the conduct of examinations, including their frequency and adequacy, is available for analysis. In the case of a state not previously exempt from the regulation, the inquiry will necessarily focus more on training activities, the number and type of staff personnel to be devoted to enforcement, and other indicators of the potential quality of enforcement examinations.

(2) *Maine application.* The state of Maine was granted an exemption from the requirements of chapter 2 of the original Truth in Lending Act in March 1970. Through the Superintendent of its Bureau of Consumer Protection, the state is now applying for an exemption from chapters 2, 4 and 5 of the Truth in Lending Act as revised in 1980. The state has incorporated the substance of the revised act in Article VIII of the Maine Consumer Credit Code (Title 9-A, M.R.S.A.). Article VIII contains not only the disclosure requirements analogous to chapter 2 of the Truth in Lending Act, but also the fair credit billing provisions of chapter 4 and the consumer leasing requirements of chapter 5 of the federal act. In addition, Article I of the Code contains definitions applicable to the Truth in Lending provisions in Article VIII. Section 8-104 of Article VIII directs the administrator to prescribe and publish regulations to carry out the purposes of Article VIII. "Administrator" is defined in section 6-103 of the Code to mean the Superintendent of the Bureau of Consumer Protection.

Effective September 7, 1981, the Administrator published a rule (Rule 02-030-240), to be known as Regulation Z-2, which adopts by reference the provisions of federal Regulation M (12 CFR Part 213) and federal Regulation Z (12 CFR Part 226), including all appendices. However, the notice of the rule specifies six provisions of federal Regulations Z and M that are not adopted, to the extent that they are in conflict with the state regulation. Following is a description of those provisions, with a preliminary assessment of the effect of failure to adopt them on Maine's request:

1. Section 226.3(b) of federal Regulation Z exempts from the regulation credit extensions over \$25,000 not secured by real estate or a dwelling. Sections 1-106 and 1-301 of the Maine Consumer Credit Code directs the Administrator to tie the various dollar amounts in the Code, including the relevant Truth in Lending exceptions, to changes in the consumer price index. Any changes are effected by the issuance of a rule by the Administrator, promulgated in the same manner as any revision to its Regulation Z-2. Currently the limitation is set at \$45,000, pursuant to Rule 02-030-220, effective July 1, 1980. The effect of this change is to make Maine's Truth in Lending Act more inclusive than the federal version, in that, for example, a \$53,000 credit extension which would be exempt under the federal regulation would be subject to Maine's regulation. In the Board's view, the fact that more transactions may be potentially subject to the Maine regulation than to the federal regulation should not adversely affect the exemption determination.

2. Sections 226.4(d)(1) and (2) of the federal regulation allow creditors to exclude the cost of certain insurance premiums from the finance charge if, among other things, the creditor discloses the cost of the insurance. The federal provision permits creditors to show the cost of insurance for the initial term of insurance, rather than for the entire term of the transaction, and in certain cases, to disclose that premium on a unit-cost basis. Sections 8-105(2)(b) and (3) of the Code require that the creditor state the total cost on a unit basis. While the requirements thus imposed on creditors under the Maine law are slightly different from those imposed under the federal law, it appears that the variation is minimal and does not detract from the substantial similarity of the Maine law.

3. Section 226.9(c) of the federal regulation requires creditors to provide notice of changes in terms on open-end credit accounts. Section 3-204 of the Maine Code requires notices for more types of changes in terms than are covered by the federal law and require a succession of notices rather than the single notice called for by the federal regulation. In the Board's view, this provision does not affect the substantial similarity of the Maine law.

4. Section 213.4 (g)(15) of the federal Regulation M limits lessee liability at termination or expiration of a consumer lease to three times the average monthly payment. Section 3-401 of the Maine Code reduces that liability to two times the average monthly payment. Since one of the exemption criteria in section

186(b) of the federal statute is whether a consumer leasing law "gives greater protection and benefit to the consumer," the stricter liability limits in the Maine law will not adversely affect the Maine exemption application.

5. Section 213.2(a)(6) of federal Regulation M exempts from the regulation's requirements consumer leases in excess of \$25,000. As discussed in paragraph 1 above, section 1-301 of the Maine Code, as implemented by the Administrator, increases that exemption to \$45,000, making more consumer leases subject to the Maine law than are subject to the federal law. For the reasons discussed above in connection with section 226.3(b), this restricted exemption should not adversely affect the Maine exemption request.

6. Appendix G-1 (B) and (D) of federal Regulation Z are excluded from incorporation by reference in Regulation Z-2, to the extent of any conflict with sections 2-202(2) and 2-402(2) of the Maine Code. The Appendix G clauses excluded from the Maine regulation provide model disclosures of two balance computation methods that creditors subject to Maine's law may not use. The federal law does not require the use of any particular balance computation method, and the variation in the state regulation merely eliminates from the state's model clauses descriptions of the two methods that, by law, Maine creditors are not permitted to use. The variation is nonsubstantive and will not affect the Maine exemption application.

In addition to the variations enumerated in the Bureau's notice of adoption of the federal regulation, the Board has also identified two other variations. The first relates to discounts for payment in cash. Section 167 of the federal statute authorizes the exclusion from the finance charge of certain discounts offered for "payment by cash, check, or other means not involving the use of an open-end credit plan or a credit card." Section 8-303(3), the comparable provision in the Maine Code, excludes only those cash discounts offered for payment by means not involving the use of a credit card. On its face, this variation in the Maine law, limiting the types of discounts that would not constitute a finance charge, would result in the exclusion of fewer discounts from the finance charge under the Maine law than under the comparable federal provision. However, Maine has incorporated in its Regulation Z-2 the cash discount provision of Regulation Z, which reflects the application of section 167(b) to open-end credit plans. Thus, while the Maine and

federal statutes on cash discounts are not identical, the Board believes that the regulatory provisions implementing those statutes are identical and that the statutory differences therefore do not affect the exemption.

Second, section 183 of the federal act grants a lessee in a consumer lease transaction the right to obtain an independent professional appraisal of the leased property. This provision is implemented in federal Regulation M as section 213.4(g)(14), which requires the lessor to disclose the lessee's right to a professional appraisal. The Maine law contains no counterpart to section 183 itself, but does incorporate by reference a counterpart to section 213.4(g)(14). In the Board's view, the incorporation by reference satisfies the requirements under the act.

Based on the material submitted with the application, the Board has tentatively determined that Maine has demonstrated adequate provision for enforcement of its truth in lending regulation. The Maine Consumer Credit Code is implemented and enforced by the Bureau of Consumer Protection, headed by an administrator empowered to make rules to implement the Code, conduct examinations and investigations, and enforce the provisions of the Code through civil and criminal mechanisms. The Bureau has adopted an enforcement policy guideline for Regulation Z-2, that is similar to the enforcement policy issued by the Federal Financial Institutions Examination Council. The guideline requires restitution for certain violations involving the annual percentage rate or finance charge, and additionally requires the Bureau to inform consumers of their rights and remedies upon discovery of a violation. Article X of the Code provides for civil and criminal penalties similar to those imposed under the federal law for certain Truth in Lending violations.

For the reasons discussed above, the Board has made a preliminary determination that the provisions of the Maine act are substantially similar to the requirements of the federal act and that there is adequate provision for enforcement. Therefore, pursuant to the authority granted in 15 U.S.C. 1633, 1666j and 1667e, the Board proposes to exempt transactions subject to the Maine Code and Regulation Z-2 from chapters 2, 4 and 5 of the federal Truth in Lending Act.

(3) *Connecticut application.* The state of Connecticut was granted an exemption from the requirements of chapter 2 of the original Truth in Lending Act on July 20, 1970. Through its Banking Commissioner, the state is now

applying for an exemption from chapters 2 and 4 of the Truth in Lending Act as revised in 1980. The state is seeking the exemption under the revised Connecticut Truth in Lending Act (Chapter 657 of the Connecticut General Statutes, sections 36-393 through 36-417 inclusive, as amended by Public Act 81-158). The Connecticut act contains requirements analogous to the disclosure and rescission provisions of chapter 2 and the fair credit billing provisions of chapter 4 of the federal act. Section 36-395 of the act authorizes the Banking Commissioner, as defined in section 36-393, to adopt substantive and procedural regulations to carry out the provisions of the act.

The Board has made a preliminary determination that the provisions of the Connecticut act are substantially similar to the requirements of the federal act. The sections of the federal act not included in the Connecticut act have been incorporated by reference. The pertinent language of the state act reads:

Except as otherwise provided in chapter 657 of the general statutes or regulations adopted by the Commissioner, any person who is a creditor or lessor shall comply with all provisions of the Consumer Credit Protection Act which apply to him.

In section 36-363, the definition of "Consumer Credit Protection Act" specifically includes all provisions of federal Regulation Z.

The Board has tentatively determined that Connecticut has demonstrated adequate provision for enforcement of its Truth in Lending Act. The Connecticut act is implemented and enforced by the Connecticut Banking Commissioner. Within the Banking Department, responsibility for enforcement is assigned to the Consumer Credit Division. The Commissioner has authority to conduct investigations and examinations, and enforce the provisions of the Code through civil and criminal mechanisms. The act requires restitution for certain violations involving the annual percentage rate or finance charge, and authorizes the Commissioner to counsel and educate consumers on their rights under the act. The provisions for civil liability under the Connecticut act are substantially the same as those under the federal act.

For the foregoing reasons, and pursuant to the authority granted in 15 U.S.C. 1633 and 1666j, the Board proposes to exempt transactions subject to the Connecticut Truth in Lending Act from chapters 2 and 4 of the federal act.

(4) *Comments requested.* Interested persons are invited to submit written comments regarding the proposed

exemption of transactions subject to the Maine Consumer Credit Code from federal Regulations Z and M, and the proposed exemption of transactions subject to the Connecticut Truth in Lending Act from federal Regulation Z. After the close of the comment period and analysis of the comments received, notice of the final disposition of the exemption requests will be published in the Federal Register.

By Order of the Board of Governors of the Federal Reserve System, April 8, 1982.

William W. Wiles,
Secretary of the Board.

[FR Doc. 82-10186 Filed 4-14-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Initial Land Classifications

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Initial land classifications.

SUMMARY: The Bureau of Land Management is classifying 37,630.25 acres of public land as suitable and 18,608.61 acres of public land as unsuitable for agricultural development under provisions of the Desert Land Act or Carey Act. Soils, critical resource values, and availability of the land were used to determine suitability. When classification becomes final, applications on suitable lands may be processed. Before an application may be approved, economic feasibility and availability of water must be determined.

DATE: Comment period ends May 16, 1982.

ADDRESS: Send comments, objections, or protests to: Secretary of the Interior, LLM 320, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ron L. Grant, 3948 Development Avenue, Boise, Idaho 83705, Telephone Number (208) 334-1582.

SUPPLEMENTARY INFORMATION: This initial classification is being issued in two parts; Decision A contains the suitable classification, and Decision B contains the unsuitable classification. In each decision is Attachment I which contains the legal descriptions of the involved lands.

Land classification is required by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), section 7, prior to disposal under the Carey Act or Desert Land Act. This action will allow processing of Desert Land and Carey Act applications

(either allowance or rejection) on these lands.

The Environmental Statement titled *Agricultural Development For Southwest Idaho* (Ag ES) published February 8, 1980, discusses the demands and impacts associated with agricultural development within a selected area of the Boise District, BLM. Six alternatives were discussed in the Agricultural Environmental Statement. In July, 1980, a summary report was published explaining the Bureau of Land Management, Idaho State Director's decision and rationale for agricultural development in southwest Idaho. Alternative 1 from the Environmental Statement was selected for implementation. His decision calls for possible allowance of new farm development on approximately 176,000 acres of public land. This includes the Class I, II and III soils within the Agricultural Environmental Statement area.

Since December, 1980, coordination meetings have been held by the State of Idaho, Department of Water Resources and the Bureau of Land Management to plan the implementation of the farm development decision. The decision will be carried out through systematic processing of existing Carey Act (CA) and Desert Land Entry (DLE) applications.

In February, 1981, the two agencies selected two blocks of land and some procedures to follow for the first year's (1981) processing effort. The area designated Block II, or the Grand View Block, was selected for Boise District to begin processing Desert Land Entry applications. There are 89 existing desert land entry applications and 8 Carey Act project applications within or adjacent to this block of land.

The documents and reports mentioned above are on file at the BLM, Boise District Office.

The following criteria were used in determining whether the subject lands are suitable or unsuitable for agricultural development.

1. Any 40 acre tract that contains a majority (75-100 percent) of Class VI soils would be classified unsuitable for disposal under Desert Land Entry or Carey Act.

This is based on the agricultural capability criteria used for classifying soils that is explained in the Environmental Statement.

2. Any public lands containing known archaeological or historical values determined to be unique or possibly significant would be classified unsuitable for disposal pending further analysis.

3. Any public lands where rare, endangered, or sensitive species of plants or animals are known to live (or nest) would be classified unsuitable for disposal, unless mitigation is possible.

4. Certain tracts of land identified for community needs such as landfills, gravel pits, sewage plants, schools, etc., would be classified unsuitable for disposal.

5. Certain tracts of land identified as valuable for wildlife habitat would be classified unsuitable for disposal. The guidelines and analysis contained in the Environmental Statement, Appendix 1-1 were used to select the proposed wildlife leave areas.

6. Public land that does not qualify for agricultural use or disposal under Desert Land Act or Carey Act because of other existing uses will be classified unsuitable for disposal under these laws.

On November 25, 1981, the Proposed Decision was issued to classify these public lands. A 60 day period was provided for comments or protest. Eighteen (18) protests and requests for review were received. Two (2) of these concerned the proposed suitable classification and sixteen (16) concerned the unsuitable.

The first protest of the suitable classification concerns potential adverse effects to the ground water table. The classification is based on soils and other resource values, but not water availability. There is not conclusive evidence that ground water is either available or unavailable for new farm ground. Close monitoring of water tables and possibly new test wells may be needed. Surface water may be more available than ground water.

Water availability must be determined by the Idaho Department of Water Resources and will be done on a case-by-case basis as each farm application is processed.

The second protest of the suitable classification is based on the potential adverse effects to the existing livestock grazing operations in part of this area. Protests from range users were received and considered during the writing of the Agricultural Development Environmental Statement. The decision was made in July, 1980 (BLM State Director's Summary Report) to consider agricultural applications in this area where the soils are adequate. This suitable classification does not guarantee that these lands will be farmed. Water availability and economic feasibility must be found favorable prior to allowance of any farms. Both of these factors are unknowns at this time. Since the amount and pace of farm development are

unpredictable, it is difficult to assess the adverse impacts, if any, to the range users.

Seven (7) of the sixteen (16) protests on the unsuitable decision involved areas which were proposed as unsuitable for disposal because they were selected as wildlife leave areas. The total amount of wildlife tracts which are protested is 599.24 acres.

Nine protests and requests for re-evaluation are based on suitability of soils. The areas under question were proposed as unsuitable for disposal because they appeared to have too large a percentage of poor (Class VI) soils. These areas total 680 acres.

The sixteen (16) tracts amounting to 1,279.24 acres which were questioned in the proposed unsuitable classification decision have been deleted from the lands listed in this initial decision. Those areas will be re-evaluated and separate initial decisions will be issued for them at a later date.

Once the lands are classified, applications may be processed. Applications on land classified unsuitable will be rejected. Applications on lands classified suitable will be subjected to engineering and economic feasibility analysis. Further background information is contained in the Agricultural Environmental Statement.

All future authorized agricultural use and title transfer of these lands will be subject to valid existing rights and authorized use in most instances. Some easements may be reserved for future needs.

This Initial Decision is in compliance with the Agricultural Environmental Statement Summary Report, the Cooperative Agreement between the Bureau of Land Management and the Idaho Department of Water Resources, all local, state and federal laws; all local, state and federal land use plans. This recommendation is in agreement with the Boise District's current land use plans which include the subject area.

The requirements of NEPA have been met. An Environmental Impact Statement was written and the information contained in it has been used to arrive at a decision for proceeding with future agricultural development. This classification is necessary to implement the decision. All known resource and human values have been considered in the Environmental Statement and supplemental reports.

Agriculture has been identified as the highest and best use of the lands listed in Decision A. However, farm development will not be allowed until there is a reasonable showing that water

is available and farming these lands would be economical.

Decision A.—Classification Decision (Initial)

The lands described in Attachment I have been examined and found suitable for agricultural purposes.

These lands are hereby classified suitable for disposal under provisions of the Desert Land Act, as amended, (19 Stat. 377; 43 U.S.C. 312-323) or the Carey Act, as amended (28 Stat. 422; 43 U.S.C. 641 et seq.).

These lands contain soils considered capable of producing irrigated agricultural crops, and no higher or better use has been identified. This classification action meets the criteria in, and is made pursuant to, 43 CFR 2410.1(a)-(d), 2430.5 (d) and (e), 2450, 2460 and 2520.0-8.

This decision relates only to land classification. Adjudicative action at a later date will consider the merits of individual applications and qualifications of the applicants.

Where more than one Desert Land application is filed on the same land, priority of filing will determine the order for processing these applications.

The lands described in Attachment I under the heading of Bureau Motion do not have petition-applications filed on them.

Attachment 1.—Legal Descriptions

Desert Land Application No.

I-2375; T. 6 S., R. 3 E., B.M.,
Section 27: W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$; 320 acres
I-3793; T. 6 S., R. 3 E., B.M.,
Section 23: N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 24: N $\frac{1}{2}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; 320
acres
I-3850; T. 7 S., R. 5 E., B.M.,
Section 12: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section
13: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 7 S., R. 6 E., B.M.,
Section 7: SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 18: Lot 2,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; 320.40 acres
I-3870; T. 6 S., R. 3 E., B.M.,
Section 13: E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 24: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 6 S., R. 4 E., B.M.,
Section 18: Lot 3; 331.10 acres
I-3893; T. 6 S., R. 4 E., B.M.,
Section 20: SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 21:
NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 29:
NE $\frac{1}{4}$ NE $\frac{1}{4}$; 320 acres
I-4120; T. 7 S., R. 5 E., B.M.,
Section 1: SW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 2: S $\frac{1}{2}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; 240 acres
I-4123; T. 7 S., R. 5 E., B.M.,
Section 2: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 11:
NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$; 240 acres
I-4214; T. 6 S., R. 3 E., B.M.,
Section 25: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
T. 6 S., R. 4 E., B.M.,
Section 30: Lots 1 and 2; 305.74 acres
I-4650; T. 6 S., R. 5 E., B.M.,

Section 33: SW $\frac{1}{4}$ SW $\frac{1}{4}$;
T. 7 S., R. 5 E., B.M.,
Section 4: Lot 4; Section 5: Lot 1; 117.58
acres
I-4651; T. 7 S., R. 5 E., B.M.,
Section 5: E $\frac{1}{2}$ SE $\frac{1}{4}$; 80 acres
I-4776; T. 7 S., R. 3 E., B.M.,
Section 7: Lots 2 and 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$; 201.18 acres
I-4793; T. 6 S., R. 3 E., B.M.,
Section 17: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 18: SE $\frac{1}{4}$ SE $\frac{1}{4}$; 200
acres
I-4794; T. 6 S., R. 3 E., B.M.,
Section 17: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$; 240 acres
I-5849; T. 7 S., R. 5 E., B.M.,
Section 31: Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$; 278.37 acres
I-5850; T. 7 S., R. 5 E., B.M.,
Section 31: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
319.67 acres
I-6343; T. 6 S., R. 4 E., B.M.,
Section 21: S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 28: N $\frac{1}{2}$ NW $\frac{1}{4}$;
Section 29: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; 320
acres
I-6356; T. 7 S., R. 5 E., B.M.,
Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 24: NW $\frac{1}{4}$,
W $\frac{1}{2}$ NE $\frac{1}{4}$; 280 acres
I-6358; T. 6 S., R. 4 E., B.M.,
Section 17: NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 18: SW $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$; 280 acres
I-6473; T. 5 S., R. 2 E., B.M.,
Section 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 25:
W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 26:
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; 240 acres
I-6503; T. 7 S., R. 5 E., B.M.,
Section 14: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section
15: SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Section 23: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$; 320
acres
I-6504; T. 7 S., R. 5 E., B.M.,
Section 22: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section
23: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$; 320 acres
I-6505; T. 7 S., R. 5 E., B.M.,
Section 23: S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 24:
NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$; Section 26:
N $\frac{1}{2}$ NE $\frac{1}{4}$; 280 acres
I-6506; T. 7 S., R. 5 E., B.M.,
Section 24: W $\frac{1}{2}$ SE $\frac{1}{4}$; Section 25: W $\frac{1}{2}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$; 320 acres
I-6507; T. 7 S., R. 6 E., B.M.,
Section 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 30: NE $\frac{1}{4}$; 320 acres
I-6508; T. 7 S., R. 5 E., B.M.,
Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 7 S., R. 6 E., B.M.,
Section 30: Lots 2 and 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
319.61 acres
I-6544; T. 6 S., R. 2 E., B.M.,
Section 1: Lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; 207.12 acres
I-6545; T. 6 S., R. 2 E., B.M.,
Section 1: SW $\frac{1}{4}$; Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 11: E $\frac{1}{2}$ NE $\frac{1}{4}$; Section 12:
NW $\frac{1}{4}$ NW $\frac{1}{4}$; 320 acres
I-6593; T. 7 S., R. 4 E., B.M.,
Section 5: Lots 2, 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 6: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
282.61 acres
I-6594; T. 6 S., R. 4 E., B.M.,
Section 29: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$; 320 acres

I-6826; T. 7 S., R. 4 E., B.M., Section 21:
S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section
28: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$; 279.99 acres
I-6848; T. 6 S., R. 3 E., B.M.,
Section 22: NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$; Section
27: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$; 240 acres
I-6859; T. 7 S., R. 3 E., B.M.,
Section 2: E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$; 280
acres
I-6860; T. 7 S., R. 3 E., B.M.,
Section 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 10: NE $\frac{1}{4}$; Section 11: W $\frac{1}{2}$ NW $\frac{1}{4}$;
320 acres
I-6899; T. 6 S., R. 3 E., B.M.,
Section 21: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$; 320 acres
I-7015; T. 7 S., R. 6 E., B.M.,
Section 18: Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
120.26 acres
I-7358; T. 7 S., R. 4 E., B.M.,
Section 11: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$; 120
acres
I-7425; T. 5 S., R. 3 E., B.M.,
Section 30: Lots 2 and 3; 74.25 acres
I-7582; T. 6 S., R. 5 E., B.M.,
Section 21: SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 27:
SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 28:
E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; 240 acres
I-7583; T. 6 S., R. 5 E., B.M.,
Section 27: N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 34: NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$; 240 acres
I-7853; T. 7 S., R. 3 E., B.M.,
Section 12: S $\frac{1}{2}$ SE $\frac{1}{4}$;
T. 7 S., R. 4 E., B.M.,
Section 7: Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; 233.65
acres
I-7854; T. 7 S., R. 3 E., B.M.,
Section 1: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 11:
E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$; 280 acres
I-7913; T. 7 S., R. 5 E., B.M.,
Section 20: E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$; Section 29:
E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$; 320 acres
I-8095; T. 6 S., R. 3 E., B.M.,
Section 15: E $\frac{1}{2}$ SE $\frac{1}{4}$; Section 22: N $\frac{1}{2}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$; 200 acres
I-8116; T. 7 S., R. 3 E., B.M.,
Section 3: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$; 280 acres
I-8165; T. 6 S., R. 3 E., B.M.,
Section 5: SW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 6: Lots 1
and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 5 S., R. 3 E., B.M.,
Section 31: N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; 289.84
acres
I-8228; T. 6 S., R. 3 E., B.M.,
Section 17: SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 20: NW $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; 280 acres
I-8409; T. 5 S., R. 3 E., B.M.,
Section 30: SE $\frac{1}{4}$; Section 31: NE $\frac{1}{4}$; 320
acres
I-8420; T. 7 S., R. 5 E., B.M.,
Section 19: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 20:
NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$; 320 acres
I-8421; T. 7 S., R. 5 E., B.M.,
Section 30: Lots 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$; 198.52 acres
I-8423; T. 7 S., R. 6 E., B.M.,
Section 14: SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 23:
NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$; 160
acres
I-8777; T. 6 S., R. 3 E., B.M.,

Section 33: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$; Section 34: NW $\frac{1}{4}$ NW $\frac{1}{4}$; 320 acres
 I-8789; T. 7 S., R. 4 E., B.M.,
 Section 9: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; 240 acres
 I-8959; T. 6 S., R. 3 E., B.M.,
 Section 33: SE $\frac{1}{4}$; Section 34: S $\frac{1}{2}$ NW $\frac{1}{4}$; 240 acres
 I-8962; T. 6 S., R. 4 E., B.M.,
 Section 27: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 34: NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; 120 acres
 I-8972; T. 6 S., R. 4 E., B.M.,
 Section 21: SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 27: SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 28: N $\frac{1}{2}$ NE $\frac{1}{4}$; 160 acres
 I-9004; T. 6 S., R. 3 E., B.M.,
 Section 25: S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; 280 acres
 I-9005; T. 6 S., R. 3 E., B.M.,
 Section 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 26: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; 280 acres
 I-9006; T. 6 S., R. 3 E., B.M.,
 Section 25: NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 26: E $\frac{1}{2}$ SE $\frac{1}{4}$; Section 35: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$; 240 acres
 I-9007; T. 6 S., R. 3 E., B.M.,
 Section 32: NW $\frac{1}{4}$; 160 acres
 I-9016; T. 6 S., R. 3 E., B.M.,
 Section 26: E $\frac{1}{2}$ E $\frac{1}{2}$, * SW $\frac{1}{4}$ NE $\frac{1}{4}$, * SE $\frac{1}{4}$ NW $\frac{1}{4}$, * NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 35: NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres (* Overlapping DLE) (280 acres)
 I-9093; T. 5 S., R. 3 E., B.M.,
 Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$; T. 6 S., R. 3 E., B.M.,
 Section 5: N $\frac{1}{2}$ SE $\frac{1}{4}$; 160 acres
 I-9135; T. 5 S., R. 3 E., B.M.,
 Section 32: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$; T. 6 S., R. 3 E., B.M.,
 Section 5: Lots 3 and 4; 332.30 acres
 I-9172; T. 7 S., R. 5 E., B.M.,
 Section 27: NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres
 I-9225; T. 7 S., R. 4 E., B.M.,
 Section 10: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; 200 acres
 I-9361; T. 7 S., R. 4 E., B.M.,
 Section 10: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Overlapping DLE) (200 acres)
 I-11958; T. 7 S., R. 4 E., B.M.,
 Section 25: W $\frac{1}{2}$ NW $\frac{1}{4}$; Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$; 280 acres
 I-12023; T. 6 S., R. 5 E., B.M.,
 Section 34: NE $\frac{1}{4}$ SW $\frac{1}{4}$; T. 7 S., R. 5 E., B.M.,
 Section 9: NW $\frac{1}{4}$ NE $\frac{1}{4}$; 80 acres
 I-12308; T. 5 S., R. 3 E., B.M.,
 Section 30: SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$; 308 acres
 I-12635; T. 6 S., R. 3 E., B.M.,
 Section 6: Lots 3, 4, 5 and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; 323.84 acres
 I-12664; T. 6 S., R. 3 E., B.M.,
 Section 10: W $\frac{1}{2}$ SE $\frac{1}{4}$; Section 15: SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$; 200 acres
 I-12855; T. 7 S., R. 5 E., B.M.,
 Section 17: E $\frac{1}{2}$; 320 acres
 I-12861; T. 7 S., R. 4 E., B.M.,
 Section 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres
 I-13352; T. 5 S., R. 3 E., B.M.,
 Section 29: S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$; Section 32: NW $\frac{1}{4}$; 320 acres
 I-13522; T. 6 S., R. 5 E., B.M.,

Section 26: SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 27: E $\frac{1}{2}$ NE $\frac{1}{4}$; 280 acres
 I-14470; T. 6 S., R. 4 E., B.M.,
 Section 28: S $\frac{1}{2}$ SW $\frac{1}{4}$; Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$; 320 acres
 I-14784; T. 7 S., R. 5 E., B.M.,
 Section 23: SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 25: NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 26: E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; 280 acres
 I-14785; T. 7 S., R. 5 E., B.M.,
 Section 12: N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$; T. 7 S., R. 6 E., B.M.,
 Section 7: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$; 280.40 acres
 I-14786; T. 7 S., R. 6 E., B.M.,
 Section 19: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 30: E $\frac{1}{2}$ NW $\frac{1}{4}$; 320 acres
 I-14787; T. 7 S., R. 5 E., B.M.,
 Section 24: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$; Section 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$; T. 7 S., R. 6 E., B.M.,
 Section 19: Lots 2, 3 and 4; Section 30: Lot 1; 319.27 acres
 I-14788; T. 7 S., R. 6 E., B.M.,
 Section 18: Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 19: Lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$; 320.08 acres
 I-14789; T. 7 S., R. 5 E., B.M.,
 Section 25: NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; T. 7 S., R. 6 E., B.M.,
 Section 30: Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$; 239.86 acres
 I-15551; T. 6 S., R. 3 E., B.M.,
 Section 18: NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; 240 acres
 I-15668; T. 7 S., R. 5 E., B.M.,
 Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 32: E $\frac{1}{2}$ E $\frac{1}{2}$; Section 33: N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$; 320 acres
 I-16345; T. 7 S., R. 4 E., B.M.,
 Section 5: E $\frac{1}{2}$ SE $\frac{1}{4}$; 80 acres
 I-16443; T. 7 S., R. 6 E., B.M.,
 Section 17: SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 20: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$; 280 acres
 I-17007; T. 7 S., R. 4 E., B.M.,
 Section 10: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Overlapping DLE) (200 acres)
 I-17258; T. 7 S., R. 5 E., B.M.,
 Section 17: S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 18: S $\frac{1}{2}$ SE $\frac{1}{4}$; 200 acres
 I-17259; T. 7 S., R. 5 E., B.M.,
 Section 8: E $\frac{1}{2}$; 320 acres

Carey Act Application Number (Overlapping DLE Applications Listed Above)

I-8894; T. 6 S., R. 2 E., B.M.,
 Section 1: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 12: NW $\frac{1}{4}$ NW $\frac{1}{4}$; T. 6 S., R. 3 E., B.M.,
 Section 6: Lots 5 and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 15: E $\frac{1}{2}$ SE $\frac{1}{4}$; Section 17: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 18: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$; Section 20: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 21: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 22: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$; Section 27: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$; Section 28: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 33: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,

SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 34: NW $\frac{1}{4}$, (3,085.44 acres)
 I-8902; T. 6 S., R. 4 E., B.M.,
 Section 17: NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$; Section 21: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$; Section 28: N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$; Section 29: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$; T. 7 S., R. 4 E., B.M.,
 Section 5: Lots 2, 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$; Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$; (1,722.07 acres)
 I-8917; T. 6 S., R. 3 E., B.M.,
 Section 13: E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$; T. 6 S., R. 4 E., B.M.,
 Section 18: Lot 3; (371.10 acres)
 I-8953; T. 7 S., R. 5 E., B.M.,
 Section 14: SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 24: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$; (360 acres)
 I-9208; T. 7 S., R. 5 E., B.M.,
 Section 27: NE $\frac{1}{4}$ NE $\frac{1}{4}$ (40 acres)

Carey Act Application Number (Not Overlapping DLE Applications)

I-8894; T. 6 S., R. 2 E., B.M.,
 Section 1: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 12: NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$; Section 13: S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; T. 6 S., R. 3 E., B.M.,
 Section 18: Lots 3 and 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 20: SW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 21: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 22: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 27: S $\frac{1}{2}$ SW $\frac{1}{4}$; Section 28: NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 32: NE $\frac{1}{4}$; Section 33: SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$; 1,963.20 acres
 I-8902; T. 6 S., R. 4 E., B.M.,
 Section 28: S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 29: NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 33: N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; T. 7 S., R. 4 E., B.M.,
 Section 5: Lot 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$; 1,240.73 acres
 I-8917; T. 6 S., R. 3 E., B.M.,
 Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$; 120 acres
 I-8953; T. 7 S., R. 5 E., B.M.,
 Section 14: NW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres
 I-9473; T. 6 S., R. 5 E., B.M.,
 Section 30: Lot 3; 40.60 acres
 I-10024; T. 7 S., R. 6 E., B.M.,
 Section 3: Lot 3, NW $\frac{1}{4}$ SW $\frac{1}{4}$; 79.79 acres

Bureau Motion

T. 5 S., R. 2 E., B.M.,
 Section 22: N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 26: NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 27: W $\frac{1}{2}$ NW $\frac{1}{4}$; Section 34: N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 35: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; 880 acres
 T. 6 S., R. 2 E., B.M.,
 Section 2: Lots 1, 2, and 4; Section 3: Lots 1, 2 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 10: SW $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 11: W $\frac{1}{2}$ SW $\frac{1}{4}$; 743.77 acres
 T. 6 S., R. 3 E., B.M.,

Section 35: E $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; 120 acres
 T. 6 S., R. 4 E., B.M.,
 T. 6 S., R. 5 E., B.M.,
 Section 26: SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 35: NE $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; 400 acres
 T. 6 S., R. 6 E., B.M.,
 Section 29: N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; 120 acres
 T. 7 S., R. 2 E., B.M.,
 Section 12: S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 13:
 NW $\frac{1}{4}$ NW $\frac{1}{4}$; 480 acres
 T. 7 S., R. 3 E., B.M.,
 Section 1: Lots 1, 2, 3, and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 2: Lot 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Section 3: SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 6:
 SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 8: SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Section 9: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section
 10: N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 11:
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 12: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 18: Lot 2, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 1,759.25 acres
 T. 7 S., R. 4 E., B.M., Section 6: Lot 5,
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Section 7: Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Section 8: S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$; Section 9: NE $\frac{1}{4}$ NE $\frac{1}{4}$,
 NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 13: SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section
 21: NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 26:
 SW $\frac{1}{4}$; Section 28: SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 34:
 E $\frac{1}{2}$ NW $\frac{1}{4}$; Section 35: NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$,
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; 1,946.19 acres
 T. 7 S., R. 5 E., B.M.,
 Section 1: Lots 3 and 4; Section 2: Lots 1
 and 2; Section 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 9:
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Section 11: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 13:
 NE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 14: N $\frac{1}{2}$ SW $\frac{1}{4}$;
 Section 15: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$,
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 17:
 SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 19: SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 20: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 21: NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 22: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section
 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Section 27: W $\frac{1}{2}$ SW $\frac{1}{4}$; Section 28:
 NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 29: NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Section 30: NE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 32:
 W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Section 33: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 3,397.80 acres
 T. 7 S., R. 6 E., B.M.,
 Section 6: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section
 10: SE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 19: NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 20:
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 27:
 S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 28: S $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$; Section 29: SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$; 1,480.00 acres

Decision B.—Classification Decision (Initial)

The lands described in Attachment I have been examined and found unsuitable for agricultural purposes.

These lands are hereby classified unsuitable for disposal under provisions of the Desert Land Act, as amended (19 Stat. 377; 43 U.S.C. 312-323), or the Carey Act, as amended (28 Stat. 422; 43 U.S.C. 641 et seq.).

This initial decision is in accordance with the Endangered Species Act of 1973 (Pub. L. 93-205, 87 Stat. 884, 16 U.S.C. 1531), Executive Order Number 11593, National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.) as amended, National Environmental Policy Act of 1969 (Pub. L. 91-190, 83 Stat. 852; 42 U.S.C. 4321), Federal Land Policy and Management Act of October 21, 1976 (Pub. L. 94-579, 90 Stat. 2743 Section 102(8)), and Section 7 of the Taylor Grazing Act (43 U.S.C. 315, 315a-315r).

This classification action meets the criteria in, and is made pursuant to 43 CFR 2410.1(a)-(d), 2430.5 (d) and (e), 2450, 2460 and 2520.0-8.

The lands described in Attachment I are segregated by this classification from disposal under the Desert Land or Carey Act. This classification shall not preclude appropriation under any other public land laws.

The lands described in Attachment I under the heading of Bureau Motion do not have petition-applications filed on them.

Attachment I.—Legal Descriptions

Desert Land Application No.

I-4120; T. 7 S., R. 5 E., B.M.,
 Section 1: NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 11:
 NE $\frac{1}{4}$ NE $\frac{1}{4}$; 80 acres
 I-4776; T. 7 S., R. 3 E., B.M.,
 Section 7: Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 120.45 acres
 I-5849; T. 7 S., R. 5 E., B.M.,
 Section 31: SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres
 I-6473; T. 5 S., R. 2 E., B.M.,
 Section 24: SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 26:
 NE $\frac{1}{4}$ NE $\frac{1}{4}$; 80 acres
 I-6505; T. 7 S., R. 5 E., B.M.,
 Section 24: NW $\frac{1}{4}$ SW $\frac{1}{4}$; 40 acres
 I-6544; T. 6 S., R. 2 E., B.M.,
 Section 1: Lot 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 123.50 acres
 I-6593; T. 7 S., R. 4 E., B.M.,
 Section 5: SW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres
 I-6826; T. 7 S., R. 4 E., B.M.,
 Section 21: NE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres
 I-6848; T. 6 S., R. 3 E., B.M.,
 Section 22: W $\frac{1}{2}$ SE $\frac{1}{4}$; 80 acres
 I-6859; T. 7 S., R. 3 E., B.M.,
 Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres
 I-7425; T. 5 S., R. 2 E., B.M.,
 Section 25: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 T. 5 S., R. 3 E., B.M.,
 Section 30: Lots 1 and 4; 114.25 acres
 I-7582; T. 6 S., R. 5 E., B.M.,

Section 27: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$; 80 acres

I-7583; T. 6 S., R. 5 E., B.M.,
 Section 27: SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 35:
 NE $\frac{1}{4}$ NW $\frac{1}{4}$; 80 acres
 I-7853; T. 7 S., R. 3 E., B.M.,
 Section 12: S $\frac{1}{2}$ SW $\frac{1}{4}$; 80 acres
 I-7854; T. 7 S., R. 3 E., B.M.,
 Section 11: SE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres
 I-8095; T. 6 S., R. 3 E., B.M.,
 Section 15: W $\frac{1}{2}$ SE $\frac{1}{4}$; Section 22:
 SE $\frac{1}{4}$ NE $\frac{1}{4}$; 120 acres
 I-8118; T. 7 S., R. 3 E., B.M.,
 Section 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres
 I-8165; T. 5 S., R. 3 E., B.M.,
 Section 31: SW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres
 I-8421; T. 7 S., R. 5 E., B.M.,
 Section 30: NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; 120 acres
 I-8789; T. 7 S., R. 4 E., B.M.,
 Section 9: W $\frac{1}{2}$ NW $\frac{1}{4}$; 80 acres
 I-8959; T. 6 S., R. 3 E., B.M.,
 Section 34: W $\frac{1}{2}$ SW $\frac{1}{4}$; 80 acres
 I-8962; T. 6 S., R. 4 E., B.M.,
 Section 27: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section
 34: W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$; 200 acres
 I-8972; T. 6 S., R. 4 E., B.M.,
 Section 21: SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 27:
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$; 160 acres
 I-9004; T. 6 S., R. 3 E., B.M.,
 Section 25: SE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres
 I-9005; T. 6 S., R. 3 E., B.M.,
 Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres
 I-9006; T. 6 S., R. 3 E., B.M.,
 Section 25: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 35:
 SE $\frac{1}{4}$ SE $\frac{1}{4}$; 80 acres
 I-11958; T. 7 S., R. 4 E., B.M.,
 Section 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres
 I-12289; T. 6 S., R. 4 E., B.M.,
 Section 34: NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres
 I-13522; T. 6 S., R. 5 E., B.M.,
 Section 26: W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 25 acres
 I-14784; T. 7 S., R. 5 E., B.M.,
 Section 26: NW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres
 I-14789; T. 7 S., R. 5 E., B.M.,
 Section 25: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; 80 acres
 I-17258; T. 7 S., R. 5 E., B.M.,
 Section 6: W $\frac{1}{2}$ SE $\frac{1}{4}$; Section 17:
 NE $\frac{1}{4}$ SW $\frac{1}{4}$; 120 acres
Carey Act Application Number (Overlapping DLE Application Listed Above)
 I-8894; T. 6 S., R. 2 E., B.M.,
 Section 1: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 T. 6 S., R. 3 E., B.M.,
 Section 15: W $\frac{1}{2}$ SE $\frac{1}{4}$; Section 22:
 SE $\frac{1}{4}$ NE $\frac{1}{4}$; (200 acres)
 I-8902; T. 7 S., R. 4 E., B.M.,
 Section 5: SW $\frac{1}{4}$ NW $\frac{1}{4}$; (40 acres)
Carey Act Applications (Not Overlapping DLE Applications)
 I-8728; T. 6 S., R. 6 E., B.M.,
 Section 29: NE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres
 I-8894; T. 6 S., R. 2 E., B.M.,
 Section 12: SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 T. 6 S., R. 3 E., B.M.,
 Section 15: SW $\frac{1}{4}$; Section 18: Lot 2,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 21:
 W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$; Section 22:
 N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 29:
 SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 32: SE $\frac{1}{4}$;
 841.57 acres
 I-8902; T. 6 S., R. 4 E., B.M.,

Section 32: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 33: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; 160 acres
I-9473; T. 6 S., R. 5 E., B.M.,
Section 30: NE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 31: Lots 1 and 2; 121.12 acres
I-10024; T. 7 S., R. 6 E., B.M.,
Section 3: Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$; 159.73 acres

Bureau Motion

T. 5 S., R. 2 E., B.M.,
Section 22: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 26: NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 27: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 34: NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 35: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; 1,280.00 acres

T. 6 S., R. 2 E., B.M.,
Section 1: Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 3: Lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$; Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$; Section 13: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$; 1,527.66 acres

T. 6 S., R. 3 E., B.M.,
Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 6: SW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 10: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 15: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$; Section 24: NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 26: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 27: NW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 32: N $\frac{1}{2}$ SW $\frac{1}{4}$; Section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; 640 acres

T. 6 S., R. 4 E., B.M.,
Section 19: Lots 1, 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 27: NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 30: Lot 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 31: Lots 1 and 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; 757.50 acres

T. 6 S., R. 5 E., B.M.,
Section 35: S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; 120 acres

T. 6 S., R. 6 E., B.M.,
Section 29: S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; 160 acres

T. 7 S., R. 2 E., B.M.,
Section 12: N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$; Section 13: S $\frac{1}{2}$ NE $\frac{1}{4}$; 240 acres

T. 7 S., R. 3 E., B.M.,
Section 1: S $\frac{1}{2}$ NE $\frac{1}{4}$; Section 2: Lots 1, 2 and 3, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 3: Lot 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 4: N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 6: Lots 1 and 2; Section 7: S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$; Section 9: S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 10: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 11: SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$; Section 12: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 18: Lot 1; 1,517.13 acres

T. 7 S., R. 4 E., B.M.,
Section 4: Lots 2, 3, and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 6: Lots 2, 3, 4 and 6; Section 7: Lot 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 8: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$; Section 9: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 21: NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 25: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$; Section 27: SW $\frac{1}{4}$, SE $\frac{1}{4}$; Section 28: Lots 2, 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$,

NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$; Section 34: NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$; Section 35: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; 3,060.27 acres

T. 7 S., R. 5 E., B.M.,
Section 1: Lots 1 and 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 4: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 5: SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$; Section 11: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 12: S $\frac{1}{2}$ SW $\frac{1}{4}$; Section 13: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 14: NW $\frac{1}{4}$; Section 15: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 17: SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 19: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 20: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 23: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 25: SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 26: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 27: S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 28: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 29: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 30: NE $\frac{1}{4}$; Section 32: N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$; 2,679.81 acres

T. 7 S., R. 6 E., B.M.,
Section 4: Lots 1, 2, 3 and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 6: Lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 7: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$; Section 8: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$; Section 10: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 14: N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 17: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$; Section 18: E $\frac{1}{2}$ E $\frac{1}{2}$; Section 20: NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 21: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 23: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 27: N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 28: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 29: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; 2,880.62 acres

Dated: April 6, 1982.

T. G. Bingham,
Acting State Director.

[FR Doc. 82-10280 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 31421-PS]

Conveyance of Public Land; RIO Blanco County, Colo.

April 6, 1982.

Notice is hereby given that pursuant to sec. 203 of the Act of October 21, 1976 (90 Stat 2743, 2750; 43 U.S.C. 1701, 1713), the Town of Rangely, Rangely, Colorado 81648, has received a patent for the following described public land in Rio Blanco County, Colorado:

Sixth Principal Meridian, Colorado

T. 1 N., R. 102 W.,

Section 1: Lot 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 12: NE $\frac{1}{4}$ NE $\frac{1}{4}$; Containing 106.87 acres.

The purpose of this notice is to inform and give constructive notice to the public and interested state and local governmental officials of the issuance of this conveyancing document.

Robert D. Dinsmore,
Chief, Branch of Adjudication.

[FR Doc. 82-10288 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

Colorado State Office; Announcement of Public Hours

Part 1820, Title 43, Code of Federal Regulations, as amended (page 12292, Federal Register of March 22, 1982), requires certain offices of the Bureau of Land Management to display public hours for the filing of applications and other documents and inspection of records.

Accordingly, the public hours of this office are 10:00 a.m. to 4:00 p.m. each business day. Telephone service will continue to be provided during regular business hours which are from 7:45 a.m. to 4:15 p.m. Other public services not involving filing of documents and records inspection are provided from 8:00 a.m. to 4:00 p.m.

For further information contact Angelina Valverde, Supervisor, Public Contact Staff, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202, (303) 837-4481.

H. Robert Moore,
Associate State Director.

[FR Doc. 82-10295 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

Montana and North Dakota; Regional Coal Team Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Regional Coal Team Meeting.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR Part 3400, the Montana State Office is issuing this notice to announce a Fort Union Regional Coal Team meeting on May 26 and 27, 1982, in the large conference room (sixth floor) of Granite Tower, 222 North 32nd Street, Billings, Montana. On May 26, the meeting will begin at 9 a.m. and on May 27 at 8:15 a.m.

The main purpose of this meeting is for the Regional Coal Team to discuss preliminary draft materials to be included in the Fort Union Regional Environmental Impact Statement, and to identify a preferred leasing alternative to be so designated for public review and comment in the draft regional EIS.

FOR FURTHER INFORMATION CONTACT:

Lloyd Emmons, Assistant Project Manager, Bureau of Land Management, Montana State Office, P.O. Box 30157, Billings, Montana 59107, (406-657-6632/FTS 585-6632).

Bill D. Noble,

Acting State Director.

April 7, 1982.

[FR Doc. 82-10291 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

[NM 52805]

New Mexico; Proposed Withdrawal and Opportunity for Public Hearing

April 6, 1982.

In FR Doc. 82-5991 in the issue of Thursday, March 4, 1982, appearing on pages 9290-9291, a notice was given that the Bureau of Land Management filed an application for a proposed protective withdrawal with the conditions stated on the lands described therein. The purpose of the proposed withdrawal is to protect the lands in aid of a proposed exchange with the Public Service Company of New Mexico.

On or before July 9, 1982, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

In accordance with section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All persons who desire to be heard on the proposed withdrawal must submit a written request for a public hearing to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 on or before July 9, 1982. Notice of the public hearing will be published in the *Federal Register* at least 30 days before the scheduled date of such hearing.

This application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Larry L. Woodard,

Associate State Director.

[FR Doc. 82-10296 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Designation of Diamond Craters Outstanding Natural Area

Pursuant to the authority in 43 CFR Subpart 2070, and authorization from the Director, dated April 1, 1982, I hereby designate lands within the following areas as the Diamond Craters Outstanding Natural Area:

Serial No. OR 33588

Willamette Meridian

T. 28S., R. 31E.,

Sec. 24: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 25: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 29S., R. 31E.,

Sec. 1: E $\frac{1}{2}$ E $\frac{1}{2}$;

Sec. 12: NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 28S., R. 32E.,

Sec. 17 All;

Sec. 18: Lot 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Secs. 19 through 22, inclusive;

Sec. 23: SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;

Secs. 26 through 35, inclusive.

T. 29S., R. 32E.,

Sec. 1: W $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;

Secs. 2 through 6, inclusive;

Sec. 7: Lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 8: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 9: All;

Sec. 10: N $\frac{1}{2}$ and SW $\frac{1}{4}$;

Sec. 11: W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$;

Sec. 15: N $\frac{1}{2}$ NW $\frac{1}{4}$.

This area is also displayed on a map labeled "Proposed Diamond Craters Outstanding Natural Area" which shall be kept on file for public inspection at the Bureau of Land Management Oregon State Office.

The designated area aggregates approximately 16,656 acres located in Harney County about 40 airline miles southeasterly of the City of Burns. In accordance with 43 CFR 2071.4(a), this designation action in only for the purpose of identifying the BLM's current management objectives for the area, and, unto itself, has no effect upon established use or management of the lands and resources involved. The area is designated under the general category of Recreation Lands, which identifies lands where recreation is expected to be a major use. As a Class IV Recreation Lands, Outstanding Natural Areas are "areas of outstanding scenic splendor, natural wonder, or scientific importance that merit special attention and care in management to ensure their preservation in their natural condition" (43 CFR 2071.7(b)(1)). The established primary management objectives for Diamond Craters prescribed by the Drewsey Management Framework Plan approved on July 26, 1978, are to ensure

that the unique assemblage of geologic features and ecosystems is preserved so that present and future generations may benefit from these exceptional scientific, educational, scenic, and recreational values and to increase public awareness of the significance of the area. The area has also been designated as an Area of Critical Environmental Concern.

It will be managed under regulations at 43 CFR 8352, in accordance with applicable provision of the Drewsey Management Framework Plan, and Public Land Order 5822 dated January 22, 1981.

Dated: April 7, 1982.

William G. Leavell,
State Director.

[FR Doc. 82-10279 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

[U-50749, et al.]

Utah; Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of Section 8 of the Act of June 28, 1934, 48 Stat. 1272, as amended and supplemented, 43 U.S.C. 315g (1964), and Section 206 of the Act of October 21, 1976, 90 Stat. 2756 the following lands have been reconveyed to the United States under the serial numbers listed below:

Salt Lake Meridian, Utah

U-50749,

T. 2 N., R. 24 E.,

Sec. 23, lot 3.

U-50867,

T. 40 S., R. 16 W.,

Sec. 32, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

U-50787,

T. 35 S., R. 3 E.,

Sec. 36, all.

T. 36 S., R. 4 E.,

Sec. 16, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 40 S., R. 1 W.,

Sec. 18, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$.

U-50788,

T. 2 S., R. 24 E.,

Sec. 10, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 14, NW $\frac{1}{4}$;

Sec. 15, lot 1, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

U-50789,

T. 33 S., R. 18 W.,

Sec. 9, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 15, W $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 16, all;

Sec. 21, E $\frac{1}{2}$ NE $\frac{1}{4}$.

U-50790,

T. 12 N., R. 8 W.;

Sec. 6, lots 6, 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 7, lots 1 thru 8, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 18, lots 1, 2, 5, 6, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 12 N., R. 9 W.,

Sec. 1, S $\frac{1}{2}$;

Sec. 2, S $\frac{1}{2}$;

Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, S $\frac{1}{2}$;
 Sec. 10, E $\frac{1}{2}$;
 Sec. 11, N $\frac{1}{2}$;
 Sec. 12, all.
 T. 13 N., R. 10 W.,
 Sec. 30, lots 1 thru 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$.
 U-50791,
 T. 17 S., R. 13 E.,
 Sec. 36, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 17 S., R. 14 E.,
 Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 29, NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 30, lots 2, 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 31, lots 1, 2, 3, 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 18 S., R. 14 E.,
 Sec. 5, lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 6, lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 16, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$.

The areas described aggregate approximately 9,280.81 acres in Box Elder, Daggett, Emery, Garfield, Iron, Kane, Uintah and Washington Counties.

2. The United States did not acquire the mineral rights on any of the lands described in paragraph 1.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 are hereby open to operation of the public land laws, generally. All valid applications received at or prior to 10:00 a.m. May 24, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: April 7, 1982.

Darrell Barnes,
 Chief, Branch of Lands and Minerals
 Operations.

[FR Doc. 82-10294 Filed 4-14-82; 8:45 am]
 BILLING CODE 4310-84-M

Utah; Execution and Filing of Forms; Office Hours

By notice published in 45 FR 20476 on Friday, March 28, 1980 (FR Doc. 80-9426 filed March 27, 1980; 8:45 a.m.), office hours under 43 CFR 1821.2-1 during which applicants could inspect records and file applications and other documents under this title were established for Utah as follows: regular business hours, Monday through Friday (7:45 a.m. to 4:30 p.m.).

The office hours under 43 CFR 1821.2-1 for Utah are hereby amended as follows: regular business hours, Monday

through Friday (10:00 a.m. to 4:00 p.m.). The revised hours will increase the time available for the noting of records and the processing of applications.

This notice has no other effect on the provisions of FR Doc. 80-9426.

The amended office hours became effective March 29, 1982.

Dated: April 9, 1982.

Roland G. Robison, Jr.,

State Director, Utah.

[FR Doc. 82-10296 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

Utah; Intensive Wilderness Inventory Decision Set Aside and Remanded

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On March 15, 1982, the Interior Board of Land Appeals (IBLA) set aside and remanded the decision of wilderness inventory unit UT-060-138, (Negro Bill Canyon), to the Utah State Director for further action. IBLA concluded that BLM had "not adequately considered all the factors involved in a determination under the outstanding opportunity criterion".

Pursuant to the action by IBLA, BLM will reassess pertinent information related to making a determination if the requisite wilderness characteristics (outstanding opportunities) exist within the unit. A formal public comment period on a proposed decision will be conducted before finalizing and publishing a final decision in the *Federal Register*. The unit will remain under management restrictions imposed by section 603 of Pub. L. 94-579.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM, Wilderness Coordinator (801) 524-4257.

Dated: April 9, 1982.

Roland G. Robison, Jr.,

State Director, Utah Bureau of Land Management.

[FR Doc. 82-10297 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Realty Action; Exchange of Public Lands in Benton, Lane, Lincoln, Linn, and Polk Counties for Private Lands in Linn County

April 7, 1982.

The following described public lands have been examined and determined to be suitable for transfer out of Federal ownership by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756; 43 U.S.C. 1716):

Willamette Meridian, Oregon

T. 8 S., R. 8 W.,
 Sec. 9, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 10 S., R. 2 E.,
 Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 30, Lot 1.
 T. 11 S., R. 1 E.,
 Sec. 24, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 12 S., R. 1 E.,
 Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 12 S., R. 8 W.,
 Sec. 28, Lots 1-4.
 T. 13 S., R. 7 W.,
 Sec. 32, Lot 3.
 T. 13 S., R. 8 W.,
 Sec. 4, Lot 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 32, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 13 S., R. 9 W.,
 Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 14 S., R. 8 W.,
 Sec. 18, Lots 5 and 6.
 T. 15 S., R. 8 W.,
 Sec. 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 181.84 acres in Benton County, 40.00 acres in Lane County, 329.16 acres in Lincoln County, 246.36 acres in Linn County, and 400.00 acres in Polk County.

In exchange for all or some of these lands the United States will acquire the following described land from Willamette Industries, Inc.:

Willamette Meridian, Oregon

T. 11 S., R. 3 E.,
 Sec. 16.

Containing 640.00 acres in Linn County.

The purpose of the exchange is to facilitate the resource management program of the Bureau of Land Management and to improve the timber management program of the company. The public lands that will be exchanged are mostly small, scattered parcels that are contiguous with lands owned by Willamette Industries, Inc. The company intends to manage the acquired lands with its existing holdings for timber production. The company land that will be exchanged has important wildlife habitat, scenic, botanic and recreation resources. The land will be managed for multiple use along with the surrounding public lands.

The exchange has been given broad public exposure resulting in over 56 comments. Two comments were neutral to the proposal while one comment was in opposition. All other comments expressed support for the exchange. The overwhelming support of the public clearly indicates that the exchange is in the public interest.

The fair market value of the lands involved are either approximately equal or the acreage will be adjusted to bring the values as close as possible. Full equalization of values will be achieved

by payment to the United States of funds in the amount not to exceed 25 percent of the total value of the public lands to be transferred. All mineral rights will be transferred with the surface estate.

The public lands will be subject to the following terms and conditions.

1. Valid, existing rights including any right-of-way, easement, or lease of record.

2. A reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890.

Publication of this notice in the *Federal Register* segregates the public lands, described above, from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occur first.

Detailed information concerning the exchange, including the environmental assessment and the record of public discussions, is available for review at the Salem District Office, P.O. Box 3227 (1717 Fabry Road S.E.), Salem, Oregon 97302.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Salem District Manager at the above address. Any adverse comments will be evaluated by the Oregon State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Joseph C. Dose,
District Manager.

[FR Doc. 82-10289 Filed 4-14-82; 8:45 am]
BILLING CODE 4310-84-M

[U-4462]

Utah; Termination of Classification for Multiple-Use Management and Termination of Mineral Segregation

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order U-4462 published in the *Federal Register* March 28, 1968, Vol. 33, No. 61, Pages 5109-10 is hereby terminated.

The public lands involved aggregate 985,692 acres in Garfield, Iron, Beaver, and Washington Counties.

2. The public lands described in the notice were classified for Multiple-Use Management and segregated from

appropriation under the Agricultural Land Laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). Paragraph 3 also segregated 1,040 acres of the lands from all forms of appropriation, entry, location or selection under the public land laws, including the general mining laws, and from surface use and occupancy under the mineral leasing laws.

3. Pursuant to the regulations set forth in (43 CFR 2461.5(c)(2)), the above classification is hereby terminated. At 10:00 a.m., on May 15, 1982 the lands described in said Notice of March 28, 1968 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on May 15, 1982 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The lands described in paragraph 3 of the above notice (except for 560 acres opened by notice in *Federal Register* Vol. 46, No. 58 dated March 26, 1981) will also be open to location under the United States Mining Laws at 10:00 a.m. on May 15, 1982.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: April 9, 1982.
Roland G. Robinson, Jr.,
State Director.

[FR Doc. 82-10281 Filed 4-14-82; 8:45 am]
BILLING CODE 4310-84-M

[U-8151]

Utah; Termination of Classification for Multiple-Use Management and Termination of Mineral Segregation

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order U-8151 published in the *Federal Register* June 25, 1970, Vol. 35, No. 123, Pages 10387-8 is hereby terminated.

The public lands involved aggregate 1,097,888 acres in Beaver and Iron Counties.

2. The public lands described in the notice were classified for Multiple-Use Management and segregated from appropriation under the Agricultural Land Laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334), and from sales under

section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). Paragraph 3 also segregated 1,276.94 acres of the lands from all forms of appropriation, entry, location or selection under the public land laws, including the general mining laws, and from surface use and occupancy under the mineral leasing laws.

3. Pursuant to the regulations set forth in (43 CFR 2461.5(c)(2)), the above classification is hereby terminated. At 10:00 a.m., on May 15, 1982 the lands described in said Notice will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on May 15, 1982 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The lands described in paragraph 3 of the above notice (except for 80 acres opened by notice in *Federal Register* Vol. 46, No. 58 dated March 26, 1981 pages 18793-4) will also be open to location under the United States Mining Laws at 10:00 a.m. on May 15, 1982.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: April 9, 1982.
Roland G. Robison, Jr.,
State Director.

[FR Doc. 82-10282 Filed 4-14-82; 8:45 am]
BILLING CODE 4310-84-M

[U-5699]

Utah; Termination of Classification for Multiple-Use Management and Termination of Mineral Segregation

1. Pursuant to the authority delegated by Bureau order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order U-5699 published in the *Federal Register* November 3, 1970, Vol. 35, No. 214, Pages 18943-4-5 is hereby terminated.

The public lands involved aggregate 1,837,400 acres in Garfield and Kane Counties.

2. The public lands described in the notice were classified for Multiple-Use Management and segregated from appropriation under the Agricultural Land Laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334), and from sales under section 2455 of the Revised Statutes as

amended (43 U.S.C. 1171). Paragraph 5 also segregated 900.05 acres of the lands from all forms of appropriation, entry, location or selection under the public land laws, including the general mining laws, and from surface use and occupancy under the mineral leasing laws.

3. Pursuant to the regulations set forth in (43 CFR 2461.5(c)(2)), the above classification is hereby terminated. At 10:00 a.m., on May 3, 1982 the lands described in said Notice of November 3, 1970 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on May 3, 1982 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The lands described in paragraph 5 of the above notice will also be open to location under the United States Mining Laws at 10:00 a.m. on May 3, 1982.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: April 9, 1982.

Roland G. Robison, Jr.,
State Director.

[FR Doc. 82-10283 Filed 4-14-82; 8:45 am]
BILLING CODE 4310-84-M

[U-2932]

Utah; Termination of Classification for Multiple-Use Management

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order Serial No: U-2932 published in the Federal Register September 7, 1967, Vol. 32, No. 173, Page 12804 is hereby terminated.

The Public lands involved aggregate 2,929,000 acres in Millard County.

2. The classification order segregated the public lands from appropriation under the agricultural land laws (43 U.S.C. Pts. 7 and 9; 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). At 10:00 a.m. on May 15, 1982, the lands shall be open to the public lands laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Inquiries concerning the lands should be addressed to the Chief, Branch of

Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: April 9, 1982.

Roland G. Robison, Jr.,
State Director.

[FR Doc. 82-10284 Filed 4-14-82; 8:45 am]
BILLING CODE 4310-84-M

[U-6047]

Utah; Termination of Classification for Multiple-Use Management and Termination of Mineral Segregation

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order U-6047 published in the Federal Register June 16, 1970, Vol. 35, No. 116, Pages 9863-4-5 is hereby terminated.

The public lands involved aggregate 579,069 acres in Washington County.

2. The public lands described in the notice were classified for Multiple-Use Management and segregated from appropriation under the Agricultural Land Laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334), and from sales under Section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). Paragraph 4 also segregated 502 acres of the lands from all forms of appropriation, entry, location or selection under the public land laws, including the general mining laws, and from surface use and occupancy under the mineral leasing laws.

3. Pursuant to the regulations set forth in (43 CFR 2461.5(c)(2)), the above classification is hereby terminated. At 10:00 a.m., on May 15, 1982 the lands described in said Notice of June 16, 1970 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on May 15, 1982 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The lands described in paragraph 4 of the above notice (except for 242.40 acres opened by notice in Federal Register Vol. 46, No. 42 dated March 4, 1981) will also be open to location under the United States Mining Laws at 10:00 a.m. on May 15, 1982.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: April 9, 1982.

Roland G. Robison, Jr.,
State Director.

[FR Doc. 82-10285 Filed 4-14-82; 8:45 am]
BILLING CODE 4310-84-M

[U-8742]

Utah; Termination of Classification for Multiple-Use Management and Termination of Mineral Segregation

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order U-8742 published in the Federal Register September 29, 1970, Vol. 35, No. 189, Pages 15166-7 is hereby terminated.

The public lands involved aggregate 809,400 acres in Kane and Garfield Counties.

2. The public lands described in the notice were classified for Multiple-Use Management and segregated from appropriation under the Agricultural Land Laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). Paragraph 4 also segregated 136,840 acres of the lands from all forms of appropriation, entry, location or selection under the public land laws, including the general mining laws, and from surface use and occupancy under the mineral leasing laws.

3. Pursuant to the regulations set forth in (43 CFR 2461.5(c)(2)), the above classification is hereby terminated. At 10:00 a.m., on May 15, 1982 the lands described in said Notice will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on May 15, 1982 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The lands described in paragraph 4 of the above notice (except for 242.40 acres opened by notice in the Federal Register Vol 46, No. 58 dated March 26, 1981 pages 18793-4) will also be open to location under the United States Mining Laws at 10:00 a.m., on May 15, 1982.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: April 9, 1982.

Roland G. Robison, Jr.,
State Director.

[FR Doc. 82-10286 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

[U-5061]

Utah; Termination of Classification for Multiple-Use Management

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order Serial No. U-5061 published in the Federal Register July 30, 1968 Vol. 33 No. 147, Pages 10811 and 10812 is hereby terminated.

The public lands involved aggregate 55,109 acres in Utah County.

2. The classification order segregated the public lands from appropriation under the agricultural land laws (43 U.S.C. Pts. 7 and 9; 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). At 10:00 a.m. on May 15, 1982, the lands shall be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Date signed: April 9, 1982.

Roland G. Robison, Jr.,

State Director.

[FR Doc. 82-10287 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

[W-030960]

Wyoming; Proposed Withdrawal Continuation

In accordance with the provisions of section 204 of the Federal Land Policy and Management Act, the State of Wyoming's Military Department has filed a statement of justification for the continuation of their Wyoming National Guard Camp Guernsey Target and Manuever Area withdrawal made by PLO 1146 of May 6, 1955. The withdrawn land proposed for continuation is described as follows:

Sixth Principal Meridian, Wyoming

T. 28 N., R. 66 W.,

Sec. 5, lots 1, 2, 3, and 4;

Sec. 6, lots 1, 2, 3, 5, 6, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 20, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 27 N., R. 67 W.,

Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 3, lots 3, 4, and W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 4, lots 1, 2, 3, 4, and S $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 7, lot 1;

Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 18, lots 2, 3, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 28 N., R. 67 W.,

Sec. 2, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 3, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 10, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 15, NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 17, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 21, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;

Sec. 24, E $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 25, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 27, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, All;

Sec. 35, NE $\frac{1}{4}$.

The area described contains 5,778.94 acres in Platte County, Wyoming.

The Military Department proposes continuation of the withdrawal in its entirety for a period of 20 years. The purpose of the withdrawal is for the use of the Wyoming National Guard to train military personnel for national defense preparedness. The withdrawal closed the described lands to all forms of appropriation under the public land laws, including the mining and mineral leasing laws. No change in the segregative effect or use of the land would be effected by the continuation.

Notice is hereby given that a public meeting may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire a meeting to be held on the proposal must submit a written request for a meeting to the undersigned on or before July 14, 1982. Upon the determination by the State Director, Bureau of Land Management, that a public meeting shall be held, a notice stating the time and place of the meeting, shall be published in the Federal Register and in at least one newspaper having a general circulation in the vicinity of lands involved, at least 30 days before the scheduled date of the meeting. All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present

their views in writing to the undersigned authorized officer of the BLM on or before July 14, 1982.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration of the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

April 7, 1982.

[FR Doc. 82-10289 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board South Atlantic Technical Working Group; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. No. 92-463).

Name: South Atlantic Technical Working Group

Dates: 18-19 May 1982

Place: Holiday Inn—Downtown 175 Piedmont Avenue, NE., Atlanta, Georgia

Times: 18 May—9:00 a.m. to 4:00 p.m.; 19 May—9:00 a.m. to 3:00 p.m.

Committee membership consists of representatives from federal agencies, the coastal states of Virginia through Florida, the petroleum industry, and other private interests.

Agenda

18 May—Update on the Sale No. 78 draft environmental impact statement and recommendations for stipulations, state-of-the-art on deepwater drilling, presentation on onshore and offshore pipelaying techniques.

19 May—Working Group discussion of issues for the South Atlantic Manganese Deposit Lease Sale, discussion of recommendations for the Fiscal Year 1984 Regional Studies Plan.

The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding matters on the agenda should contact Richard Barnett of the New York OCS Office (212-264-1061) by 11 May 1982. Written

statements should be submitted by 26 May to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32-120, New York, New York 10278.

Minutes of the meeting will be available for public inspection and copying by 16 July 1982 at the above address.

Judith B. Gresham,
Acting Manager, New York OCS Office.

[FR Doc. 82-10292 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 of a meeting of the Prineville District Grazing Advisory Board to be held May 11, 1982.

The meeting will begin at 1:00 PM in the conference room of the Bureau of Land Management office, located at 185 East 4th Street, P.O. Box 550, Prineville, Oregon 97754.

The agenda will include: (1) Discussion of the Brothers Grazing Environmental Impact Statement in its draft stage, (2) Revocation of a stock driveway in the Prineville district, (3) The Grazing Management Policy Statement.

The meeting is open to the public. Anyone wishing to make oral or written statements to the board is requested to contact the district manager at the above address, prior to the meeting date.

Summary minutes of the meeting will be available for review and reproduction within 30 days following the meeting.

Gerald E. Magnuson,
District Manager.

April 5, 1982.

[FR Doc. 82-10293 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

Realty Action Exchange of Public and State Lands in Uintah County, Utah, U-48671, for Surface Estate Only

The following described lands have been determined to be suitable for exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Salt Lake Meridian, Utah

T. 6 S., R. 23 E.,

Sec. 1, All.

T. 6 S., R. 24 E.,

Sec. 6, Lots 6, 7, W $\frac{1}{2}$, W $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$.

Comprising 588.03 acres.

The purpose of the exchange is to develop more fully the public lands in the Pariette Wetland Development Area. The exchange is consistent with the Bureau's Planning System and county zoning.

In exchange for these federal lands, the United States will acquire the surface estate of the following non-federal lands from the State of Utah:

Salt Lake Meridian, Utah

T. 9 S., R. 19 E.,

Sec. 16, All.

Comprising 640 acres.

Upon publication of this notice, the federal lands are hereby segregated from appropriation under the public land laws, including the mining laws.

Lands to be transferred from the United States will be subject to the following reservations:

1. A reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All right-of-ways now existing on the public lands.

3. All minerals with the right to prospect for, mine and remove the same under applicable laws and as such regulations as the Secretary may prescribe.

For a period of 45 days from the date of the notice, interested parties may submit comments to the District Manager, Vernal District, 170 South 500 East, Vernal, Utah 84078.

Dated: April 7, 1982.

L. H. Ferguson,

District Manager.

[FR Doc. 82-10290 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

[F-14989-A, F-14989-B]

Alaska Native Claims Selection

Correction

In FR Doc. 82-7973 appearing at page 12869 in the issue for Thursday, March 25, 1982 please make the following corrections:

(1) On page 12869, in the middle column, in the land description, under the heading "FAIRBANKS MERIDIAN, ALASKA (UNSURVEYED), in the first line, "T.11 N., R. 16 E." should have read "T. 10 N., R. 16 E."

(2) In the same land description, in the fifth line, remove the word "Navy".

BILLING CODE 1505-01-M

Iditarod Trail Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Trail Coordinator will brief the Council on the status of the management plan, the National Trails Office and implementation efforts by land managers.

DATE: The meeting is Friday, May 7, 1982, 8:30 a.m. to 5:00 p.m., Anchorage, Alaska. Time for public comment will be provided after 3:30 p.m. Requests for comment time must be received by May 3.

ADDRESS: The meeting will be held at the following location: Room 311, Sheraton Anchorage Hotel, 401 East 6th Avenue, Anchorage. Send requests to speak to BLM, Anchorage District Office, Public Affairs, 4700 East 72nd Avenue, Anchorage, Alaska 99507.

FOR FURTHER INFORMATION CONTACT: Terry O'Sullivan, Trail Coordinator (907) 267-1280 or (907) 274-4676 X118.

SUPPLEMENTARY INFORMATION:

Tentative Agenda

Introductory Remarks—Joe Reddington, Sr., Chairperson and Richard W. Tindall, BLM District Manager.

Review of Minutes—Shirley Heatwole, Vice-Chairperson.

Administrative Requirements—Don Mueller, Chief of Administration.

Status of Comprehensive Management—Terry O'Sullivan, Plan and National Trail Office, BLM Trail Coordinator.

Reports by Land Owners and Managers.

Discussion of Implementation Efforts by Involved Agencies.

Discussion of Critical Management Problems.

Public Comment.

Other Business.

Summary.

Adjournment.

Effective Date: May 7, 1982.

Richard W. Tindall,

Anchorage District Office.

[FR Doc. 82-10333 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

National Waterfowl Management Plan; Availability

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Service announces availability of a National Waterfowl Management Plan. The purpose of the plan is to guide the efforts of State and Federal agencies who share a public interest in the welfare of waterfowl. The document sets forth national goals, objectives, policies and strategies for the cooperative management of waterfowl in the United States, and provides a basis for developing detailed management plans for each of the four waterfowl flyways. It contributes to the eventual development of a North American waterfowl management plan.

ADDRESSES: Copies may be obtained from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: George K. Brakhage, Assistant Chief, Office of Migratory Bird Management at (202) 254-3207.

Dated: April 7, 1982.

Robert A. Jantzen,
Director, Fish and Wildlife Service.

[FR Doc. 82-10316 Filed 4-15-82; 8:45 am]

BILLING CODE 4310-55-M

Draft Golden Eagle Management Plan

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of extension of comment period.

SUMMARY: On February 10, 1982, (47 FR 6100) the Fish and Wildlife Service announced availability of a Golden Eagle Management Plan for public comment. At the request of the public, the Service has determined that the comment period should be extended from March 29, 1982 to May 14, 1982.

ADDRESS: Request for copies of the plan and comments should be forwarded to Director (WM), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

DATE: Any comments on the plan should be received on or before May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Gillett, Chief, Division of Wildlife Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202/632-2202.

Dated: April 2, 1982.

F. Eugene Hester,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 82-10300 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service**Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Superior Oil Co.**

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct in Lease OCS 0253, Block, 149, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Regional, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 8, 1982.

Lowell G. Hammons,
Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-10301 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil Co. of Calif.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and

Production Plan describing the activities it proposes to conduct on Lease OCS-G 4787, Block 66, Vermilion Area, Offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 8, 1982.

Lowell G. Hammons,
Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-10302 Filed 4-14-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service**Temporary Ellis Island Preservation Council; Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that meetings of the Temporary Ellis Island Preservation Council will be held on April 30 and May 7, 1982, at the Department of the Interior, 18th and C Streets NW., Washington, D.C. These meetings are for the purpose of reviewing and discussing the feasibility, reasonableness and practicality of proposals submitted for the leasing of structures on Ellis Island, including information given in confidence by the proposal applicants. In accordance with the determination of the Director, National Park Service, the meetings will be closed to the public pursuant to Title 5 U.S.C. 552b(c)(4). Further information with reference to these meetings can be obtained from Garnet Chapin,

Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240 (202-343-7343).

Dated: April 9, 1982.
Russell E. Dickens, Jr.,
Director, National Park Service.

I hereby certify that the referenced committee meetings may be closed pursuant to 5 U.S.C. 552b(c)(4).

Dated: April 12, 1982.
M. R. Tidwell,
Deputy Solicitor.

[FR Doc. 82-10336 Filed 4-14-82; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Long-and-Short-haul Application for relief (Formerly Fourth Section Application)

April 9, 1982.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC on or before April 30, 1982.

No. 43961, Western Trunk Line Committee, Agent (No. A-2767), reduced rates on Liquefied Petroleum Gas, from Patrick Draw, WY to points in Western Trunk Line Territory, in Supplement 87 to its tariff ICC WTL 3200-G which became effective March 26, 1982. Grounds for relief: Market Competition and Rate Relationships.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-10329 Filed 4-14-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-62

Decided: April 6, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 161300, filed March 29, 1982.
Applicant: LANDWAY TRANSPORT, 57 Pinehurst Avenue, Billerica, MA 01821. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841; (617) 657-6071. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP2-70

Decided: April 6, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 106743 (Sub-16), filed March 19, 1982. Applicant: COLEMAN AMERICAN MOVING SERVICES, INC., 4081 Ross Clark Circle, N.W., Dothan, AL 36301. Representative: David Earl Tinker, 1000 Connecticut Avenue, N.W., Suite 1112, Washington, DC 20036-5391; (202) 887-5868. (1) Transporting, for or on behalf of the United States Government general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI); (2) Transporting shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); (3) As a broker of general commodities (except household goods), between points in the U.S. (except AK and HI) and (4) Transporting used household goods for the account of the United States Government incident to the performances of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 107002 (Sub-529), filed March 23, 1982. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39205, (601) 922-8331. Transporting, for or on behalf of the U.S. Government, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 107522 (Sub-8), filed April 1, 1982. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway St., Wallington, NJ 07057. Representative: Ronald I. Shapss, 450

Seventh Ave., New York, NY 10123; 212-239-4610. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions, between points in the U.S. (except AK and HI).

MC 161092, filed March 18, 1982. Applicant: SABRE CORP., 174 Cabot St., West Babylon, NY 11704. Representative: Edward L. Nehez, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068; 201-992-2200. (1) As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI) and (2) Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 161002, filed March 12, 1982. Applicant: JONES ENTERPRISES, 1430 Maple Ave., Wyoming, OH 45215. Representative: Robert J. Jones (same address as applicant), 513-821-7954. As a broker, of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 161122, filed March 22, 1982. Applicant: TRANSPORT TRAFFIC SERVICE, INC., 4086 Viscount Ave., Ste. 3, Memphis, TN 38118. Representative: Tommie J. Perkins, Sr., P.O. Box 18307, Memphis, TN 38118; (901) 362-2868. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 161143, filed March 22, 1982. Applicant: RAYMOND J. EDMONDS d.b.a. EDMONDS TRANSPORTATION CONSULTANTS, 11607 Angell Street, Norwalk, CA 90650. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609; (213) 945-2745. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5-81

Decided: April 7, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 161198, filed March 25, 1982. Applicant: ROBERT ALLEN MAHLUM, RR #1 Box 102A, Kenmare, ND 58746. Representative: Robert A. Mahlum (same address as applicant), 701-467-3327. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 161219, filed March 26, 1982. Applicant: JAY D. SCHUOLER, d.b.a. J. D. SCHUOLER TRUCKING, 7610 W. Nob Hill Blvd., Box 77, Yakima, WA 98908. Representative: Jay D. Schuoler (same address as applicant), (509) 965-3657. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 161259, filed March 29, 1982. Applicant: TOM D. COOPER, 2802 Beaudry Rd., #861-A, Yakima, WA 98901. Representative: Carol M. Cooper (same address as applicant), (509) 452-1177. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-10330 Filed 4-14-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-111)]

Baltimore & Ohio Railroad Co., Exemption for Contract Tariff ICC-BO-C-0023

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw, Jr., or
Jane F. Mackall (202) 275-7656

SUPPLEMENTARY INFORMATION: Baltimore and Ohio Railroad Company (BO), by E. F. Baughan, its Tariff Publishing Officer, filed a petition on March 26, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). Petitioner requests that we permit contract tariff ICC-BO-C-0023 to become effective on one day's notice. The tariff provides for the transportation of copper products.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days'

notice. There is no provision for waiving this requirement. CF. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The underlying transportation contract may be used only in conjunction with transportation contracts filed by various Western rail carriers, which are scheduled to become effective April 2, 1982. The Western carriers' contracts apply only to territorial gateway points. Without the BO contract, the shipper will have no economically feasible means to supply his plant, since no proportional rates exist east of the gateways. The shipper has filed a letter, emphasizing the importance of immediate through transportation in order for its plant to continue operation. Advancement of the effective date would permit immediate through transportation for the shipper. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract ICC-BO-C-0023 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

By the Commission, Division 1,
Commissioners Sterrett, Taylor, and Andre.
Commissioner Andre did not participate.

Dated: April 8, 1982.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-10331 Filed 4-14-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29857]

Graham County Railroad, Inc., and National Railroad Utilization Corporation—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10901, 11301, and 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the operations by Graham County Railroad, Inc., of certain track in North Carolina, under lease from its parent company National Railway Utilization Corporation from prior approval under 49 U.S.C. 10901 and 11301. National Railway Utilization Corporation also seeks to control Graham County Railroad, Inc., pursuant to 49 U.S.C. 11343. This is an exempt transaction for which review is unnecessary. (49 CFR 1111.2(d)(2)).

DATES: Exemption effective on April 14, 1982. Petitions to reopen must be filed within 20 days of the effective date.

ADDRESSES: Send pleadings to:

- (1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th and Constitution Ave., NW., Washington, DC 20423
- (2) Petitioner's representative: Andrew P. Goldstein, 706 Ring building, 1200 Eighteenth Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Locally, copies may be purchased by calling TSI at 289-4357 or by pickup from room 2227 at the Commission's headquarters. Outside the metropolitan area, copies may be obtained by calling TSI at 800-424-5403.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, and Andre. Commissioner Andre did not participate.

Decided: April 8, 1982.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-10332 Filed 4-14-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29867]

Rail Carriers; Delaware Otsego Corp.; Exemption From 49 U.S.C. 10762(c)(3), 10901, 11301, and 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission dismisses as unnecessary the request for exemption under section 10901, and exempts from

the requirements of prior approval under section 11301 the issuance of securities by the New York, Susquehanna & Western Railway Corporation (NYS&W) to Consolidated Rail Corporation (Conrail). The Commission also exempts from section 11343 trackage rights by NYS&W over Conrail lines between Franklin and Sparta Junction, NJ and between Binghamton and Warwick, NY.

DATES: This exemption is effective on April 15, 1982. Petitions to reopen must be filed within 20 days following publication.

ADDRESSES: Send petitions to reopen to:

- (1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423; and
- William P. Quinn, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

Pleadings should refer to Finance Docket No. 29867.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Locally, copies may be purchased by calling TSI at 289-4357 or by pickup from Room 2227 at Commission headquarters. Outside the metropolitan area, copies may be obtained by calling TSI at 800-424-5403.

Decided: April 13, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett and Andre. Commissioner Gresham did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-10365 Filed 4-14-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 38.25]

Redelegation of Authority to Director, Office of Development Resources, Bureau for Latin America and the Caribbean

I. Pursuant to the authorities delegated to me as Acting Assistant Administrator for Latin America and the Caribbean, I hereby redelegate to the Director, Office of Development Resources, Bureau for Latin America and the Caribbean ("the Bureau"), with respect to the Latin American and the Caribbean region, the following authorities:

Authority to sign on behalf of the Bureau (1) Project Implementation

Orders/Training (PIO/Ts) for Participating Agency Service Agreements (PASAs) and Resources Support Services Agreements (RSSAs); and (2) statements that the proposed agreements are exempt from OMB Circular A-76.

II. The authorities hereby redelegated may not be further redelegated, but may be exercised by persons who are performing the functions of the Director, Office of Development Resources, Bureau for Latin America and the Caribbean, in an "acting" capacity.

III. Actions within the scope of this redelegation heretofore taken by the Director, Office of Development Resources, Bureau for Latin America and the Caribbean, are hereby ratified and confirmed.

IV. This redelegation of authority is effective immediately.

Dated: March 27, 1982.

Otto J. Reich,

Assistant Administrator.

[FR Doc. 82-9366 Filed 4-14-82; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

Attorney General

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants; U.S. v. Mahoning Valley Sanitary District, et al.

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States v. Mahoning Valley Sanitary District, et al.*, Civil Action No. C-80-676-Y has been lodged with the United States District Court for the Northern District of Ohio. The proposed consent decree requires the defendant Mahoning Valley Sanitary District to construct and operate a waste water treatment facility to prevent the discharge of pollutants from its Weathersfield Township drinking water treatment plant, and to pay a civil penalty in settlement of the United States' claims for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.*

The Department of Justice will receive written comments until May 17, 1982. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Mahoning Valley Sanitary District*, (D.J. Ref. No. 90-5-1-1-1302).

The proposed consent decree may be examined at the Office of the United States Attorney, Northern District of

Ohio, Suite 500, 1404 East Ninth Street, Cleveland, Ohio 44114; at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-10304 Filed 4-14-82; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 82-22]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Chemical Propulsion Technology.

DATE AND TIME: May 5, 1982, 9 a.m. to 4:30 p.m.; May 6, 1982, 9 a.m. to 4:30 p.m.; May 7, 1982, 9 a.m. to 12 Noon.

ADDRESS: National Aeronautics and Space Administration, 600 Independence Ave., SW, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Cecil C. Rosen, National Aeronautics and Space Administration, Code RTP-6, Washington, DC 20546 (202/755-2243).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Chemical Propulsion Technology was established to review technology needs for chemical propulsion and to evaluate the adequacy of current Office of Aeronautics and Space Technology and other research and technology efforts to meet these needs.

The Subcommittee, chaired by Dr. Saunders D. Rosenberg, is comprised of seven members. The meeting will be open to the public up to the seating capacity of the room (approximately 40

persons including the Subcommittee members and participants).

Type of meeting: Open

Agenda

May 5, 1982

9 a.m.—Introductory Remarks.
9:15 a.m.—Chemical Propulsion Program Overview and Status.
10:00 a.m.—Review of Orbit Transfer Vehicle (OTV)/Upper Stage Vehicle Studies.
11 a.m.—OTV/Upper Stage Propulsion Technology.
2 p.m.—Advanced Earth-to-Orbit Propulsion Technology.
4:30 p.m.—Adjourn.

May 6, 1982

9 a.m.—Review of Space Operations Center/Space Platform Studies.
10 a.m.—Space Station Technology Needs.
1 p.m.—Outlook for Chemical Propulsion.
3:30 p.m.—Overall Discussions.
4:30 p.m.—Adjourn.

May 7, 1982

9 a.m.—Discussion, Recommendations, Report.
12 Noon—Adjourn.

Nathaniel B. Cohen,

Director, Management Support Office, Office of External Affairs.

April 9, 1982.

[FR Doc. 82-10305 Filed 4-14-82; 8:45 am]

BILLING CODE 7510-01-M

[Notice 82-23]

NASA Wage Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Wage Committee.

DATE AND TIME: June 25, 1982, 1:30 p.m. to 4:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 226B, Federal Building 10B, 600 Independence Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah C. Green, Code NPC-28, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8520).

SUPPLEMENTARY INFORMATION: The Committee's primary responsibility is to consider and make recommendations to the NASA Director of Personnel Programs Division on all matters involved in the development and authorization of a Wage Schedule for the Cleveland, Ohio, wage area,

pursuant to Pub. L. 92-392. The Committee, Chaired by Mr. William Dey, consists of 11 members. During this meeting the Committee will consider wage survey data, local reports, recommendations, and statistical analyses and proposed wage schedules reviewed therefrom. Discussions of these matters in a public session would constitute release of confidential commercial and financial information obtained from private industry. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(4), it has been determined that this meeting will be entirely closed to the public. However, members of the public who may wish to do so, are invited to submit material in writing to the Chairperson concerning matters felt to be deserving of the Committee's attention.

Type of meeting: Closed

Purpose of meeting: The NASA Wage Committee will recommend to the NASA Wage Fixing Authority the proposed wage schedule to be adopted.

Nathaniel B. Cohen,

Director, Management Support Office, Office of External Relations

April 9, 1982.

[FR Doc. 82-10306 Filed 4-14-82; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Clinch River Breeder Reactor; Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) will hold a meeting on May 4 and 5, 1982, Room 1046, 1717 H Street NW., Washington, DC. The Subcommittee will discuss Core Disruptive Accident (CDA) energetics as it pertains to the Clinch River Breeder Reactor.

In accordance with the procedures outlined in the Federal Register on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary

and Industrial Securities information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, May 4, 1982—8:30 a.m. until the conclusion of business.

Wednesday, May 5, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Project Management Corporation, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 9, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-10353 Filed 4-14-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (facility) located in

Charlevoix County, MI. This amendment is effective as of its date of issuance.

The amendment approves Technical Specification changes which provide the Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) for the H-2 Reload fuel.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 15, 1981, (2) Amendment No. 53 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of April, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-10351 Filed 4-14-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Three Mile Island Unit 2; Solid Nuclear Wastes; Revision of a Memorandum of Understanding Between Nuclear Regulatory Commission and Department of Energy

The U.S. Nuclear Regulatory Commission (the Commission) has recently signed the attached revised version of its Memorandum of Understanding with the Department of

Energy (the Department) concerning removal and disposition of solid nuclear wastes from cleanup of the Three Mile Unit 2 nuclear plant.

The revised MOU alters the original (46 FR 38614; July 28, 1981) in two areas, the TMI-2 reactor fuel and the makeup and purification system demineralizers. Instead of taking only samples of the damaged fuel, the DOE has now agreed to accept the entire core for R&D and storage at a DOE facility. The terms of ultimate core disposal will be negotiated between DOE and the owner. Additionally, the DOE has agreed to take possession of and retain the highly radioactive purification system resins on a reimbursable basis. This was presented as an option in the original version of the MOU.

Dated at Bethesda, Maryland, this 8th day of April 1982.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy Concerning the Removal and Disposition of Solid Nuclear Wastes from Cleanup of the Three Mile Island Unit 2 Nuclear Plant

I. Objective

This memorandum of understanding specifies interagency procedures for the removal and disposition of nuclear waste resulting from cleanup of the Three Mile Island Unit 2 plant. This will help to ensure that the TMI Site does not become a long-term waste disposal facility.

II. NRC Roles and Responsibilities

The NRC has the responsibility under the Atomic Energy act of 1954 as amended (42 U.S.C. 2011 *et seq.*), to regulate all licensee activities at the TMI-2 site, including waste management, and ensure these activities are carried out in accordance with the requirements of applicable rules and regulations and the requirements of Facility Operating License Number DPR-73, as modified by amendments or orders issued by the NRC. NRC will carry out its responsibilities by onsite observation of licensee activities. As required, policy, and technical support will be provided to the NRC TMI Site Office by NRC Headquarters and Regional Office(s).

NRC will work cooperatively and closely with the DOE, and will keep DOE fully and currently informed of NRC's activities.

NRC will continue to keep public, state and local officials informed of NRC's activities. When appropriate, NRC will involve DOE in these information exchanges with the public, state and local officials.

III. DOE Role and Responsibilities

Where DOE determines that generally beneficial research, development and testing of the TMI-2 accident generated solid wastes

can be carried out, DOE will perform such activities at appropriate DOE facilities. For those other wastes that cannot be disposed of in commercial low level waste facilities, DOE may also assume responsibility for removal, storage, and disposal to the extent that the licensee provides reimbursement to the DOE. These activities will be undertaken to the extent consistent with appropriate statutory authority. NRC licensing of DOE facilities that are utilized for storage, processing or disposal of TMI-2 accident generated wastes will not be required since these facilities have primary uses other than for receipt and storage of wastes resulting from licensed activities.

The DOE will provide technical support to the licensee and the NRC as deemed appropriate.

DOE will work closely with the NRC and keep NRC informed of DOE's activities.

IV. Currently Identified TMI-2 Accident Generated Solid Radioactive Wastes

The following lists those TMI-2 accident generated solid radioactive wastes which currently exist or are planned to be generated. This listing may be modified in the future as the cleanup progresses.

1. *EPICOR-II System Wastes.*—Forty-nine ion exchange resin liners with loadings up to 1500 curies/liner are in temporary storage at the TMI-2 site. DOE plans to develop a prototype high integrity container (HIC), production units of which, if utilized by the licensee, may allow these liners to be acceptable for licensed disposal in commercial land burial facilities some 1-2 years from now. DOE is also performing characterization experiments on one of these liners and may find it desirable to extend its R&D program to other liners. Should a more expeditious handling of these wastes be required due to the potential for a limited release to the storage environment (which could cause public concern), a contingency plan will be implemented wherein DOE would at its discretion take receipt of these EPICOR liners on a reimbursable basis from the licensee for storage or disposal. Future EPICOR-II liners are anticipated to be loaded to allow commercial shallow land disposal offsite by the licensee.

2. *Submerged Demineralizer System Wastes.*—It is anticipated that the dispersed radioactivity in accident generated water will be deposited on zeolite in submerged demineralizer system (SDS) liners. Due to the unique character and nature of these wastes, DOE will take possession of and retain these liners to conduct a waste immobilization research and development and testing program.

3. *Reactor Fuel.*—Following removal of the damaged core from the reactor vessel, the entire core will be shipped to a DOE facility to survey and select those portions most appropriate for DOE's R&D program. Information obtained from detailed examinations is expected to be of generic benefit to design, fabrication and operation of reactor cores in a safe and efficient manner for current and future nuclear power plants. The remainder of the core will remain in storage at the DOE facility and will be ultimately disposed of under an agreement to be negotiated between DOE and the owner.

4. *Transuranic Contaminated Waste Materials.*—As the cleanup progresses, some waste materials (e.g., sludges) may be found to be contaminated with transuranics at levels above which commercial low level burial facilities are authorized to accept. Alternatives for such material will be considered on a case-by-case basis and could include archiving, R&D evaluation or temporary storage onsite, or at a DOE facility awaiting further processing and/or disposal in a permanent repository offsite. Depending on the nature of these materials, DOE's activities could either take the form of an R&D program of generic value, or would be subject to reimbursement by the licensee.

5. *Makeup and Purification System Resins and Filters.*—During the TMI-2 accident, the makeup and purification system demineralizer vessels and filters were highly contaminated by letdown of reactor coolant through the system. These resins and filters have not been characterized, however, based on radiation measurements, the resins and filters are believed to have specific activities well in excess of the loadings on the high specific activity EPICOR-II prefilter and are considered unsuitable for commercial land disposal. Due to the generic value of the information to be obtained and the very high specific activities of the filters, DOE will take possession and retain these filters for research and development activities. DOE will also take possession of and retain purification system resins either for an R&D program of generic value or for storage or disposal on a reimbursable basis.

6. *Other Solid Radioactive Wastes.*—The low-level wastes associated with decontamination (e.g., some ion exchange media, booties, gloves, trash) will be disposed of by the licensee in licensed commercial low level burial facilities.

V. This Memorandum of Understanding will take effect when it has been signed by the authorized representative indicated below for each agency. DOE and NRC shall each have the right with the consent of the other party to modify this agreement.

For the U.S. Nuclear Regulatory Commission.

Dated: March 15, 1982.

Bernard J. Snyder,

Program Director, TMI Program Office, Office of Nuclear Reactor Regulations.

For the U.S. Department of Energy.

Dated: March 15, 1982.

Franklin E. Coffman,

Deputy Assistant Secretary for Nuclear Waste Management and Fuel Cycle Programs, Office of Nuclear Energy.

[FR Doc. 82-10352 Filed 4-14-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

OMB has received for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C.

Chapter 35) since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The Office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether section 3504(H) of Pub. L. 96-511 applies; (10) the name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

Agricultural Marketing Service
California-Arizona Navel Oranges—
Marketing Order No. 907
On occasion, Annually
Farms/businesses or other institutions
California-Arizona navel orange
growers, handlers, etc.: 99,622
responses; 20,001 hours; not
applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Agricultural Marketing Service
California-Arizona Lemons—Marketing
Order No. 910
On occasion, weekly
Farms/businesses or other institutions
California-Arizona lemon growers and
handlers under marketing: 4,586
responses; 249 hours; not applicable
under 3504(h)
Charles A. Ellett, 202-395-7340

Agricultural Marketing Service
California-Arizona Lemons—Marketing
Order No. 910
On occasion, weekly
Farms/businesses or other institutions

Calif.-Arizona lemon growers and handlers under mkt. order 910: 4,586 responses; 249 hours; not applicable under 3504(h)

Charles A. Ellett, 202-395-7340

Agricultural Marketing Service
California-Arizona Navel oranges—
Marketing Order No. 907

On occasion, annually
Farms/businesses or other institutions
Calif.-Ariz. navel orange growers,
handlers, processors: 99,622
responses; 20,001 hours; not
applicable under 3504(h)

Charles A. Ellett, 202-395-7340

Food and Nutrition Service
Destination Data Sheet
FNS-7

On occasion
State or local governments
State agencies responsible for USDA
distribution: 3,395 responses; 1,698
hours; not applicable under 3504(h)

Neil Minow, 202-395-7340

Food and Nutrition Service
Part 210—National School Lunch
Program (Recordkeeping)

Annually
State or local governments
State agencies, school food authorities:
59 responses; 177 hours; not
applicable under 3504(h)

Federal Education Data Acquisition
Council, 202-426-5030

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace
McPherson—202-426-7304

New

Office of Postsecondary Education
Application for the Training Program for
Special Programs Staff and
Leadership Personnel

ED 883
Annually
State or local governments/businesses
or other institutions
Institutions of higher education and
public and nonprofit, etc.: 40
responses; 1,360 hours; not applicable
under 3504(h)

Federal Education Data Acquisition
Council, 202-426-5030

Office of Postsecondary Education
Cooperative Education Program
Application Form

ED-1193
State or local governments/business or
other institutions
Colleges and universities: 400 responses;
3,776 hours; not applicable under
3504(h)

Federal Education Data Acquisition
Council, 202-426-5030

Revisions

Office of Educational Research and
Improvement
Degrees and Other Formal Awards
Conferred Between July 1, 1982 and
June 30, 1983 (HEGIS XVIII)
ED 2300-2.1A, 2300-2.1A-1, 2300-2.1B,
2300-2.1B-1
Biennially
Businesses or other institutions
Universities, colleges, and community
colleges: 3,300 responses; 12,540 hours;
not applicable under 3504(h)
Federal Education Data Acquisition
Council,

Reinstatement

Office of Special Education and
Rehabilitative Services
Performance Report and Financial
Report for Special Education
Programs
Discretionary grant programs
ED 9037-1 and 9037-2
Annually, other—see SF83
State of local governments/businesses
of other institutions
Grantees may be: colleges and
universities, non-profit, etc.: 1,500
responses; 7,100 hours; not applicable
under 3504(h)
Federal Education Data Acquisition
Council, 202-426-5030

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance officer—Joseph
Strnad—202-245-7488

New

Centers for Disease Control
Children's Hospital Methicillin-Resistant
Staphylococcus Aureus Prevalence
Survey

Nonrecurring
Businesses or other institutions
Children's hospitals: 87 responses; 29
hours; not applicable under 3504(h)
Fay S. Iudicello, 202-395-3090

Social Security Administration
Quarterly Statement of Expenditures
SSA-41 (9-81)
Quarterly
State or local governments
State agencies administering public
assistance programs: 216 responses;
864 hours; not applicable under
3504(h)

Richard Eisinger, 202-395-6880

Social Security Administration
Southeast Asian Refugee Self-
Sufficiency Study

Nonrecurring
Individuals or households
Southeast Asian refugee households in
five large standard metropolitan
statistical areas: 1,500 responses; 1,500
hours; not applicable under 3504(h)

Richard Eisinger, 202-395-6880

Extensions (Burden Change)

Food and Drug Administration
Radiation Incidents Registry Reporting
Program
FDA 3166
On occasion
Businesses of other institutions
Physicians: 350 responses; 30 hours; not
applicable under 3504(h)
Fay S. Iudicello, 202-395-3090

Food and Drug Administration
Product License Application for the
Manufacturers of Whole Blood and
Blood Components
FDA 3098, 3098A, 3098B, 3098C, 3098D,
3098E

On occasion
Businesses or other institutions
Manufacturers of whole blood and
blood components: 84 responses; 69
hours; not applicable under 3504(h)
Fay S. Iudicello, 202-395-3090

Extensions (No Change)

Food and Drug Administration
Antibiotic Application
ED-1675
On occasion
Drug manufacturers: 80 responses; 6,400
hours; not applicable under 3504(h)
Fay S. Iudicello, 202-395-3090

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A.
Keado—202-343-6191

New

National Park Service
L&WCF Assistance Application and
Compliance Reports, State Annual
Report
Annually
State or local governments
State outdoor recreation liaison officers:
55 responses; 1,750 hours; not
applicable under 3504(h)
William T. Adams, 202-395-4814

National Park Service
L&WCF Assistance Application and
Compliance Reports, Description and
Notification Form

NPS 10-903
On occasion
State or local governments
State outdoor recreation liaison officers:
1,881 responses; 470 hours; not
applicable under 3504(h)
William T. Adams, 202-395-4814

National Park Service
L&WCF Assistance Application and
Compliance Report, Program
Performance Report
Annually, other—see SF83
State or local governments

State outdoor recreation liaison officers:
2,030 responses; 2,030 hours; not
applicable under 3504(h)
William T. Adams, 202-395-4814

National Park Service
L&WCF Assistance Application and
Compliance Reports, Project
Agreement and Amendment
10-902; 10-902A

Nonrecurring
State or local governments
State outdoor recreation liaison officers:
1,880 responses; 1,880 hours; not
applicable under 3504(h)
William T. Adams, 202-395-4814

National Park Service
L&WCF Assistance Application and
Compliance Reports, Onsite
Inspection Reports

On occasion
State or local governments
State outdoor recreation liaison officers:
940 responses; 470 hours; not
applicable under 3504(h)
William T. Adams, 202-395-4814

National Park Service
L&WCF Assistance Application and
Compliance Reports, Program
Performance Report
Annually, other—see SF83
State or local governments
State outdoor recreation liaison officers:
2,030 responses; 2,030 hours; not
applicable under 3504(h)
William T. Adams, 202-395-4814

Revisions

Office of Surface Mining Reclamation
and Enforcement
Reclamation on private land—30 CFR
882.12 and 882.13(b)
Nonrecurring
State of local governments
State/tribal abandoned mine land
reclamation agencies: 13 responses;
1,040 hours; not applicable under
3504(h)
William T. Adams, 202-395-4814

Office of Surface Mining Reclamation
and Enforcement
30 CFR 816 Permanent Program
Performance Standards—Surface
Mining

On occasion
Businesses of other institutions
Coal mining operations: 56,231
responses; 1,330,273 hours; not
applicable under 3504(h)
William T. Adams, 202-395-4814

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E.
Larson—202-523-6331

New

Employment and Training
Administration

Long Term Follow-Up of Youth Program
Participants and Controls
ETA-RC44
Nonrecurring
Individuals or households
Disadvantaged youth from OYP
programs: 4,000 responses; 2,000
hours; not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy
Tucker—202-634-5394

Extensions (Burden Change)

Office of the Secretary
Reporting Bank's Own Claims, and
Selected Claims of Broker or Dealer,
on "Foreigners" Payable in Dollars
IC Form EC BC (SA)
Monthly
Businesses of other institutions
U.S. banks, banking institutions, brokers
and dealers: 7,500 responses; 52,500
hours; not applicable under 3504(h)
Arnold Strasser, 202-395-6880

Office of the Secretary
Reporting Bank's Own Liabilities, and
Selected Liabilities of Broker or
Dealer, to "Foreigners" Payable in
Dollars
IC Form BL-1, BL-1 (SA)
Monthly
Businesses of other institutions
U.S. banks, banking institutions, brokers
and dealers: 6,000 responses; 42,000
hours; not applicable under 3504(h)
Arnold Strasser, 202-395-6880

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William
Jones—202-452-2983

New

Special Information Collection on Now
Accounts
FR 3021
Nonrecurring
Individuals or Households
Sample of about 4,000 households: 4,000
responses; 533 hours; not applicable
under 3504(h)
Richard Sheppard, 202-395-6880
Arnold Strasser,

Acting Chief, Reports Management Branch.

[FR Doc. 82-10348 Filed 4-14-82; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council Panel on
the National Airspace System Plan

Pursuant to the Provisions of the
Federal Advisory Committee Act (Pub.
L. 92-463, 86 Stat 770), notice is hereby
given of the following meeting:

Name: White House Science Council Panel
on the National Airspace System Plan.
Date and Time: April 27, 1982, 9 a.m.
Place: Room 5104, New Executive Office
Building, 17th and Pennsylvania Avenue,
NW, Washington, D.C. 20500.

Type of Meeting: Part Open 9 a.m.-3 p.m.,
Part Closed 3 p.m.-5 p.m.

Purpose of Panel: To review the Federal
Aviation Administration's National
Airspace System (NASP) and comment on
technological applications embraced by the
plan, including cost benefits, and to
evaluate operational impacts on the
aviation community. Comments and
recommendations will be provided to the
President's Science Advisor by August 1,
1982.

Agenda:

- Federal Aviation Administration presentations on the National Airspace System Plan and associated programs.
- Discussion on technological and economic factors pertinent to NASP implementation, including Department of Defense impacts.

Reason for closed meeting: At the end of the
first meeting, the Panel will discuss
implications of the proposed plan on
Department of Defense air control systems.

Authority to close meeting: These matters are
within the exemptions of 5 U.S.C. 552b
(c)(1), in that they deal with classified
defense information. Closing is pursuant to
a determination by the Director of the
Office of Science and Technology Policy.

Contact: James R. Banks, Executive
Secretary, White House Science Panel on
the National Airspace System Plan, Office
of Science and Technology Policy, Room
5013, New Executive Office Building, 17th
and Pennsylvania Avenue, NW.,
Washington, D.C. 20500; Telephone (202)
395-3157.

Robert D. Linder,
Executive Director.

[FR Doc. 82-10339 Filed 4-12-82; 2:57 pm]

BILLING CODE 3170-01-M

POSTAL SERVICE

Privacy Act of 1974; Systems of Records

AGENCY: Postal Service.

ACTION: Advance and Final Notice of
Records Systems Changes.

SUMMARY: The purpose of this document
is to publish final notice of several
record systems description changes that
have recently appeared for public
comment in the *Federal Register*, and
also to publish advance notice of a
previously unpublished routine use.

DATE: Part 1 is effective April 15, 1982.
Comments on Part 2 must be received on
or before May 17, 1982.

ADDRESS: Comments may be mailed to
Records Officer, U.S. Postal Service, 475
L'Enfant Plaza West, S.W., Washington,
D.C. 20260, or delivered to Room 8121 at

the above address between 8:15 AM and 4:45 PM. Comments received may also be inspected during the above hours in Room 8121.

FOR FURTHER INFORMATION CONTACT: Martha Smith, (202) 245-5568.

SUPPLEMENTARY INFORMATION: The annual publication of Postal Service systems of records appeared in the *Federal Register* on January 11, 1982 (47 FR 1199). That document also provided advance notice of several systems of records changes for comment. No comments were received. The Postal Service has determined it is necessary to: (1) Publish final notice of the January 11, 1982, proposals, and (2) to provide advance notice of the existence of one heretofore unpublished routine use.

Part 1—Final Notice of Prior Proposals

On January 11, 1982, the Postal Service published for comment in the *Federal Register* (47 FR 1199) notices of several Postal Service systems of records changes. The final notice of the changes follows:

(a) Certain Postal Service policy changes require mailers, who have been permitted to use 2-line addresses in the past, to obtain and use complete 3-line addresses. These policy changes necessitated the publication of a routine use to cover disclosure of rural route customer addresses to persons seeking address correction information pursuant to existing regulations, §§ 159.132 and 945.12 of the Domestic Mail Manual. The final revision and the system to which it applies follows:

USPS 010.080

SYSTEM NAME:

Collection and Delivery Records—
Rural Carrier Routes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add:

7. Rural route customer addresses may be disclosed to persons or organizations authorized by a postal regulation to receive address correction information.

(b) A long-standing routine use previously included in system description USPS 120.080, Personnel Records—Master Minority File Records, the system of records which was deleted by Part 1 of the January 11, 1982, notice (47 FR 1199) concerns the disclosure of information which is currently being maintained within another system, USPS 120.070. Therefore, Routine Use 14

is added to simply reflect the transfer of reference from the former to the latter system. This use fulfills the Equal Employment Opportunity Commission's needs for affirmative action data on the Postal Service work force. Next, based on the Postal Service's determination that a long-standing practice of disclosure had not previously been published as a routine use for public comment, Routine Use 15 is added. Third, in order to provide more specific detail regarding disclosures made under Routine Use 12 of USPS 120.070, Routine Use 16 is added. The system affected and the three new routine uses are set forth below.

USPS 120.070

SYSTEM NAME:

Personnel Records—General
Personnel Folders (Official Personnel
Folders and Records Related Thereto).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add:

14. Disclosure of minority designation codes may be made to the Equal Employment Opportunity Commission for the oversight and enforcement of Federal EEO regulations.

15. Disclosure of records of discipline relating to individual employees may be made to State Employment Security Agencies at the initial determination level of the unemployment compensation claim process.

16. Disclosure may be made to the Merit Systems Protection Board from the record of an individual to the extent that the information is relevant and necessary to a decision on appeal over which the Board has jurisdiction.

(c) In furtherance of regulations implementing the Occupational Safety and Health Act, two new routine uses to provide for the disclosure of employee medical records (relevant to employee exposure to hazardous substances) are added to USPS 120.090, as follows:

USPS 120.090

SYSTEM NAME:

Personnel Records—Medical Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add:

10. May be disclosed to the Occupational Safety and Health Administration, Department of Labor,

when needed by that organization to perform properly its duties in accordance with 29 CFR Part 19.

11. May be disclosed to the National Institute of Occupational Safety and Health when needed by that organization to perform properly its duties in accordance with 29 CFR Part 19.

Part 2—Routine Use

The Postal Service has determined that a case exists in which notice of a long-standing routine disclosure practice has not previously been published. Federal, State, and local government agencies frequently request that Postal Service to assist them in administering their programs by furnishing name or address information from Postal Service records. It has been Postal Service practice (even prior to enactment of the Privacy Act) to disclose this information in response to such requests. One source of providing this information is our rural route records that contain customers' names and addresses. Therefore, the advance notice of this routine use and the system to which it applies follows:

USPS 010.080

SYSTEM NAME:

Collection and Delivery Records—
Rural Carrier Routes.

10. Name and address information may be disclosed to Federal, State, and local government agencies as required by such agencies for the purpose of performing their official duties.

W. Allen Sanders,

Associate General Counsel, Office of General
Law and Administration.

[FR Doc. 82-10420 Filed 4-14-82; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-11570]

Armco Inc. (an Ohio Corporation); Application and Opportunity for Hearing

April 9, 1982.

Notice is hereby given that Armco Inc., an Ohio corporation (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Citibank, N.A. ("Citibank") under an indenture of the Company dated April 1,

1959 (the "1959 Indenture") heretofore qualified under the Act, and the trusteeship of Citibank under an indenture between City of Ashland, Kentucky ("City of Ashland") and Citibank, Trustee, dated as of February 15, 1982 (the "1982 Indenture"), which will not be qualified under the Act because of the exemption contained in section 304(a)(4) of the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the 1959 Indenture.

Section 310(b) of the Act provides, *inter alia*, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that:

1. The Company has outstanding (as of February 25, 1982) \$7,500,000 principal amount of its twenty-five year 4.35% Sinking Fund Debentures due 1984 (the "Debentures") issued under the 1959 Indenture between the Company (formerly named Armco Steel Corporation) and Citibank (formerly named The First National City Bank of New York), Trustee. The Company originally issued \$75,000,000 in aggregate principal amount of Debentures pursuant to the 1959 Indenture. A sinking fund payment of \$3,750,000 to be made on March 31, 1982 will reduce the aggregate principal amount of Debentures outstanding thereafter to \$3,750,000. The 1959 Indenture was filed as Exhibit 2.02 to Registration Statement No. 2-14825 of the Company under the Securities Act of 1933 and has been qualified under the Act.

2. On February 24, 1982, City of Ashland issued \$24,000,000 aggregate principal amount of its 10 3/4% Pollution Control Revenue Bonds, Series 1982 (Armco Inc. Project) (the "Bonds") pursuant to the 1982 Indenture. The proceeds of the sale of the Bonds have been loaned by City of Ashland to the Company pursuant to the terms of a Financing Agreement dated as of February 15, 1982 between City of Ashland and the Company (the "Financing Agreement"). The Bonds are to be payable solely from revenues derived by City of Ashland from the Company under the terms of said financing Agreement. The rights and benefits of City of Ashland under the Financing Agreement have been assigned to the Trustee as security for payment of the Bonds. The Bonds are exempt from registration under the Securities Act of 1933 by virtue of an exemption contained in Section 3(a)(2) and the Indenture is not being qualified under the Trust Indenture Act of 1939.

3. Section 7.08 of the 1959 Indenture provides in part as follows:

Section 7.08. (a) If the Trustee has or shall acquire any conflicting interest as defined in this Section, it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in Section 7.10.

(b) In the event that the Trustee shall fail to comply with the provisions of subsection (a) of this Section, the Trustee shall, within ten days after the expiration of such ninety-day period, transmit notice of such failure to the debentureholders in the manner and to the extent provided in subsection (c) of Section 5.04 with respect to reports pursuant to subsection (a) of Section 5.04.

(c) For the purposes of this Section the Trustee shall be deemed to have a conflicting interest if

(1) the Trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company are outstanding unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture, *provided that there shall be excluded from the operation of this paragraph any other indenture or indentures under which other securities, or certificates of interest or participation in other securities, of the Company are outstanding if (i) this indenture and such other indenture or indentures are wholly unsecured, and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it*

necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture or such other indenture or indentures, or (ii) *the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that trusteeship under this Indenture and such other indenture or indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture or such other indenture or indentures;* (Italics Supplied)

4. Execution of the 1982 Indenture may involve Citibank in a conflict of interest within the meaning of Section 7.08 of the 1959 Indenture since the 1982 Indenture is not being qualified under the Act and is not the subject of any other proceeding of the Commission.

5. The Company's obligations with respect to the Debentures and the Bonds are wholly unsecured and rank on a parity with each other. However, the Company may, under certain conditions specified in Section 4.03 and 11.03 of the 1959 Indenture, be required to secure the Debentures issued pursuant to that Indenture. The Company believes it is extremely unlikely that the 1959 Indenture will ever become secured.

6. The only material differences between the 1959 Indenture and the 1982 Indenture and between the rights of the holders of the Debentures and the holders of the Bonds relate to the fact that the Company is the issuer of the Debentures whereas its payment obligations under the Bonds are through the assignment by City of Ashland to the Trustee of its rights under the Financing Agreement and also relate to differences between the two indentures as to aggregate principal amounts, dates of issue, denominations, interest rates, interest payment dates, maturity, form of registration, redemption provisions and procedures, Trustees' reports, conversion, provisions for conflicting interest of the Trustee and other provisions of a similar nature. The provisions of the 1982 Indenture also differ from the 1959 Indenture in providing for optional and mandatory redemption prior to maturity upon the occurrence of certain specified events, in not providing for sinking fund redemption, having different time periods upon which certain defaults become an "event of default," and having different covenants, conditions and provisions, reflecting the differing nature of the transaction.

7. No default has at any time existed under the 1959 Indenture or under the

1982 Indenture. It is possible that a default might arise under one or the other of these Indentures without necessarily arising under both Indentures. Apart from any default, it is possible under the covenants in the 1959 Indenture that the Debentures may in the future become secured under the Sections referred to above while the Bonds remain unsecured. If this should occur, a conflicting interest of Citibank might arise which would require either the elimination of such conflicting interests or the resignation of Citibank under one of the Indentures, but unless and until one of such events occur there will be no conflicting interest by reason of such covenants.

8. Such differences as exist between the 1959 Indenture and the 1982 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as Trustee under one of the said Indentures.

9. Under Section 7.08(c)(1) of the 1959 Indenture, Citibank is deemed to have a conflicting interest because it is acting as Trustee under the 1982 Indenture and the 1959 Indenture and because the 1982 Indenture has not been qualified under the Act, unless it is deemed not to have such a conflicting interest by reason of a finding by the Commission after an opportunity for a hearing that Citibank's acting as Trustee under said Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from so acting.

10. The Company has waived (a) notice of hearing, (b) hearing on the issues raised by its application and (c) all rights to specify procedures under the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is on file in the offices of the Commission at 500 North Capital Street, Washington, D.C. 20549.

Notice is further given that an order granting this application may be issued by the Commission at any time on or after May 4, 1982, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may, not later than May 4, 1982 at 5:30 p.m., in writing submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication request should be

addressed: Secretary, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10317 Filed 4-14-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 18632; File No. SR-BSECC-82-1]

Filing and Immediate Effectiveness of Proposed Rule Change by Boston Stock Exchange Clearing Corp.

April 9, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 1, 1982, the Boston Stock Exchange Clearing Corporation ("BSECC") filed with the Securities and Exchange Commission, the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The rule change allows BSECC to extend its temporary 15% increase in fees from March 31, 1982, through June 30, 1982. BSECC believes that the proposed rule change is consistent with Section 17A(b)(3)(D) of the Act as it provides for the equitable allocation of fees to all participants. BSECC further believes that the proposed rule is consistent with Section 17A(b)(3)(F) of the Act in that it assures the safeguarding of securities and funds in the custody and control of the BSECC, as well as promoting the prompt and accurate clearance and settlement of securities transactions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and

arguments concerning the submission on or before May 6, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-BSECC-82-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10320 Filed 4-14-82; 8:45 am]
BILLING CODE 8010-01-M

[File No. 500-1]

Entertainment Systems, Inc.; Order of Trading Suspension

April 12, 1982.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate financial information relating to the securities of Entertainment Systems, Inc. and that questions have been raised about the adequacy and accuracy of publicly-disseminated information concerning its financial condition, business operations, the status of its obligations to financial institutions, securities ownership, management, and other matters, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Entertainment Systems, Inc.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that over-the-counter trading in the securities of Entertainment Systems, Inc. is suspended, for the period commencing at 9:30 a.m. on April 12, 1982, and

terminating at midnight (EST) on April 21, 1982.

By the Commission.
George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10318 Filed 4-14-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-18626; File No. SR-MSE-82-1]

Midwest Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Midwest Stock Exchange, Incorporated relating to trading of stock groups. Comments requested on or before May 6, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 30, 1982, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Article XX, Rule 39, Trading in Stock Groups:

(a) The Exchange may permit trading in groups of equity securities ("Stock Groups") which are listed or admitted to unlisted trading privileges on the Exchange. Each Stock Group shall be composed of such equity securities as shall be designated by the Exchange.

(b) The unit of trading of each Stock Group shall be 100 shares of each security comprising the Group. Bids or offers in Stock Groups shall be made in variations of at least $\frac{1}{8}$ of \$1.00.

(c) Each Stock Group shall be traded at a particular location designated by the Exchange which may be different from the location of trading of the securities comprising the Group. Stock Groups may be assigned to a particular specialist unit, traded by registered market makers in accordance with Article XXXIV, or traded in the cabinet system.

(d) Transactions in or orders, bids or offers for Stock Groups shall be reported or expressed as a single price representing the price of the Stock Group itself, which may not be equal to the aggregate of then current prices of component stocks. Thus, in applying the following Rules of the Exchange,

transactions in or orders, bids or offers for a Stock Group shall be treated as applying to the Group as a whole and not the individual securities comprising the Group: Article IX, Rules 8 and 13, Article XX, Rules 8, 10, 11, 13-22, 24-31, 33 and 35, Article XXI, Rule 19, Article XXX, Rules 1-7, 9-12, 21 and 22, and Article XXXIV.

(e) Transactions in Stock Groups shall be compared and settled as transactions in the Groups as a whole. Thus, in applying the following Rules of the Exchange, transactions in Stock Groups shall be deemed to be transactions in the Group, not as separate transactions in each of the securities comprising the Group: Article XXI, Rules 1-6, 8-13, Article XXII, Rules 1-10, 14-16, and Article XXV.

(f) The following Rules shall not apply to trading in Stock Groups: Article XX, Rules 32, 34 and 36-38.

(g) Except as provided above, each transaction effected or closed or position held in a Stock Group shall be treated, for purposes of application of Exchange Rules, as a transaction or position in each of the securities comprising the Group. Thus, except as provided above, a transaction involving one unit of a particular Stock Group consisting of five underlying securities shall be deemed, for purposes of the application of such Exchange Rules, to consist of five separate transactions of 100 shares in each of the component securities. Similarly, a position in a Stock Group shall be deemed to consist of positions in all of the component securities of the Group.

II. (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The rules proposed in this filing are designed to permit trading on the Exchange of stock groups consisting of equity securities which are listed or admitted to unlisted trading privileges on the Exchange ("Stock Groups"). The Exchange initially intends to trade Stock Groups which underlie Stock Group options listed on other exchanges.

The Chicago Board Options Exchange, Inc., the Pacific Stock Exchange, Inc. and the American Stock Exchange, Inc. have filed proposed rule changes with the Commission pursuant to which each exchange intends to trade options on groups of securities. Each of these proposed rule changes contemplates delivery, upon exercise of option contracts, of the actual securities underlying the options.

To date, no market exists in which persons holding Stock Group options contracts can easily acquire the

underlying Stock Groups in order to cover positions or deliver upon exercise. To the contrary, option holders would be forced to acquire the individual stocks in separate transactions. Midwest proposes to fill this need by providing a trading market in which persons can easily acquire or dispose of Stock Groups. The Exchange intends to permit its members to make markets in the Stock Groups so that participants in the options markets and investors wishing to acquire Stock Groups for investment can easily do so.

In conjunction with this filing, the Exchange is requesting relief from the application of certain rules to Stock Groups. In particular, Midwest will be requesting exemptions from Rules 11Aa3-1, 11Aa3-2 and 11Ac1-1 under the Securities Exchange Act of 1934 (the "Act") to permit Midwest to report transactions in Stock Groups and disseminate bids and offers in Stock Groups at a single price representing all of the stocks within the group. In addition, Midwest will request an exemption from the provisions of Rule 11Aa3-2 under the Act which might otherwise be construed to require it to enforce the provisions of the Consolidated Tape Association Plan, the Consolidated Quotation Plan and the Intermarket Trading System Plan to trading in Stock Groups. Finally, Midwest will be requesting exemptions from Rules 10a-1 and 10b-6 under the Act to preclude their application to trading in Stock Groups.

The purposes of the specific proposed rule changes are set forth below.

Rule 39(a) is a general enabling provision which permits the Exchange to designate Stock Groups consisting of equity securities listed or admitted to unlisted trading privileges on the Exchange.

Rule 39(b) specifies the unit of trading of Stock Groups and the minimum price variation.

Rule 39(c) specifies that Stock Groups may be traded in a specialist, competitive market maker or cabinet environment. The Exchange currently contemplates that Stock Groups will trade in the market maker system.

Rule 39(d) specifies that transactions in or orders, bids or offers for Stock Groups will be reported or expressed as a single price which represents the price of the Group as a whole. As a result, Rule 39(d) notes specific trading rules which will not be applied to the individual stocks comprising the Stock Group but which will be applied to the Group as an entity. The purpose of this rule is to treat Stock Groups as a single

security for the limited purpose of the Exchange's trading rules.

Rule 39(e), like Rule 39(d), is designed to ensure that transactions in Stock Groups will be compared and settled as transactions in Groups themselves, not the individual securities.

Rule 39(f), states that the Exchange's Intermarket Trading System rules and Guaranteed Execution rules will not apply to Stock Groups.

Rule 39(g), is a general provision which specifies that all of the Exchange's rules other than those specified elsewhere in Rule 39 will apply directly to the securities comprising a Stock Group, not the Group as an entity.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe the proposed rule change will impose any burden on competition. To the contrary, the Exchange believes the proposed rule change will enhance competition by permitting market participants to effectively acquire Stock Group positions as an alternative to transactions in the individual securities comprising the Groups.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before May 20, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change

that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 6, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 8, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10321 Filed 4-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18631; File No. SR-NESDTC-82-2]

Filing and Immediate Effectiveness of Proposed Rule Change by New England Securities Depository Trust Co.

April 9, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 1, 1982, the New England Securities Depository Trust Company ("NESDTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The rule change allows NESDTC to extend its temporary 15% increase in fees from March 31, 1982, through June 30, 1982. NESDTC believes that the proposed rule change is consistent with Section 17A(b)(3)(D) of the Act as it provides for the equitable allocation of fees to all participants.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before May 6, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NESDTC-82-2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10322 Filed 4-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18630; File No. SR-PCC-82-2]

Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Clearing Corporation

April 9, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 1, 1982, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change allows PCC to add Rule VIII to its Rules. Rule VIII, as adopted, requires PCC to furnish to each participant within 60 days of the close of each fiscal year unconsolidated, comparative, audited financial statements prepared in accordance with generally accepted accounting principles. In addition, within 30 days following the close of each fiscal quarter, PCC will prepare unaudited,

unconsolidated financial statements and will notify participants of the availability of such quarterly statements. Finally, Rule VIII compels PCC to furnish upon request to participants that are not members of the Pacific Stock Exchange, Inc. ("PSE") consolidated financial statements of PSE and its subsidiaries. PCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act in that it will assure the safeguarding of securities and funds in the custody or control of PCC. PCC further believes that the proposed rule change is consistent with the Division of Market Regulation's registration standards stated in Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920 (June 23, 1980). The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before May 6, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PCC-82-2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10323 Filed 4-14-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-18633; File No. SR-PSD-82-1]

Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Securities Depository Trust Co.

April 9, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 6, 1982, the Pacific Securities Depository Trust Company ("PSD") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change allows PSD to add Rule 27 to its Rules. Rule 27, as adopted, requires PSD to furnish to each participant within 60 days of the close of each fiscal year unconsolidated, comparative, audited financial statements prepared in accordance with generally accepted accounting principles. In addition, within 30 days following the close of each fiscal quarter, PSD will prepare unaudited, unconsolidated financial statements and will notify participants of the availability of such quarterly statements. Finally, Rule 27 compels PSD to furnish upon request to participants that are not members of the Pacific Stock Exchange, Inc. ("PSE") consolidated financial statements of PSE and its subsidiaries. PSD believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act in that it will assure the safeguarding of securities and funds in the custody or control of PSD. PSD further believes that the proposed rule change is consistent with the Division of Market Regulation's registration standards stated in Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920 (June 23, 1980). The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before May 6, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PSD-82-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10324 Filed 4-14-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 12366; File No. 812-5066]

Security First Life Insurance Co. et al.; Filing of an Application for an Order for Approval of Certain Offers of Exchange and Granting Exemptions From Certain Provisions

April 9, 1982.

In the matter of the Security First Life Insurance Company, Security First Life Separate Account A, and Security First Financial, Inc., 1800 Avenue of the Stars, Los Angeles, California 90067.

Notice is hereby given that the Security First Life Insurance Company ("Security First"), a stock life insurance company organized under the laws of the State of Delaware in 1960, Security First Life Separate Account A ("Separate Account"), a separate account of Security First registered as a unit investment trust under the Investment Company Act of 1940 ("Act"), and Security First Financial, Inc., the principal underwriter of the Separate Account (collectively

"Applicants"), filed an application on December 29, 1981, and an amendment thereto on March 31, 1982, for an order pursuant to Section 11 of the Act, approving certain offers of exchange, and pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that: (i) The Separate Account will fund group single payment and flexible payment variable annuity contracts; (ii) the Separate Account consists of three Series, each of which will invest in a different open-end diversified, management investment company; and (iii) the Separate Account Series will invest in Security First Legal Reserve Fund, Inc., Security First Variable Life Fund, Inc., and Security First Money Market Fund, Inc.

According to Applicants, purchase payments under the group flexible payment contracts are made in accordance with a schedule of payments established at the time of enrollment, subject to stated minimum amounts. No deduction is made for sales charges under the contract, although state and local premium taxes may be deducted. If elected by the participant, a portion of the resulting general account values may be transferred to the Separate Account to provide variable annuity benefits. Each transfer to the Separate Account is treated as a surrender and is subject to a fixed surrender charge of \$10 and to a percentage surrender charge that varies with the length of time the amounts to be transferred have remained in the general account in accordance with the following schedule: 7% on payments surrendered in calendar year of payment; 6% on payments surrendered in calendar year following payment; 5% on payments surrendered in 2nd calendar year following payment; 4% on payments surrendered in 3rd calendar year following payment; 3% on payments surrendered in 4th calendar year following payment; and 0% on payments surrendered in 5th and subsequent calendar years following payment. When a participant's interest in the Separate Account is applied to provide annuity benefits, Security First will add an annuity bonus equal to the sum of the percentage charges previously imposed upon the participant's account with respect to transfers from the general account to one or more Separate Account Series,

together with interest (accumulated at the excess rates of declared interest which are used to determine the general account annuity values, but excluding any premium taxes that may have been deducted). Any partial surrenders from the Separate Account will reduce the annuity bonus on a pro-rata basis. Prior to the annuity date, a participant may make partial or complete surrenders from the Separate Account subject to a \$10 charge. At the end of each contract or certificate anniversary and on the date the individual's account is cancelled as a result of a complete surrender, Security First will deduct an administrative charge. This charge will be equal on an annual basis to \$27.50 plus \$2.50 for the general account and for each Separate Account Series in which there are accumulation units included in the individual's account, except that it will be pro-rated in the case of a complete surrender in accordance with the length of time that has elapsed since the anniversary date. In addition, a daily deduction not to exceed .00244% (equivalent to .89% annually—.40% for mortality risks and .45% for expense risks) is assessed against and deducted from the assets in each Separate Account Series.

According to Applicants, under the group single payment contracts, a minimum single payment of \$5,000 is required, and subject to acceptance by Security First; additional payments may be made if permitted by the plan. Each participant is required to irrevocably commit a portion of the purchase payment to provide for fixed annuity income under a separate contract. The balance of the purchase payment is applied to the contract and is initially allocated in its entirety to Security First's general account. No deduction is made for sales charges under the contract, although state and local premium taxes may be deducted. If elected by the participant, a portion of the resulting general account values may be transferred to the Separate Account to provide variable annuity benefits. Each transfer to the Separate Account is treated as a surrender and is subject to both a fixed surrender charge of \$10 and to a percentage surrender charge of 7%. When a participant's interest in the Separate Account is applied to provide annuity benefits, Security First will add an annuity bonus to the amount available to provide fixed annuity benefits. The annuity bonus will be equal to the sum of the 7% surrender charges previously imposed, together with interest. If the participant has made partial surrenders from the Separate Account, an annuity bonus will still be

credited but it may be reduced proportionately to reflect certain of those terminations. Prior to the annuity date, a participant may make partial or complete surrenders from the Separate Account subject to a \$10 charge. At the end of each contract or certificate anniversary and on the date the individual's account is cancelled as a result of a complete surrender, Security First will deduct an administrative charge. This charge will be equal on an annual basis to \$27.50 plus \$2.50 for the general account and for each Separate Account Series in which there are accumulation units included in the individual's account, except that it will be pro-rated in the case of a complete surrender in accordance with the length of time that has elapsed since the anniversary date. In addition, a daily deduction not to exceed .00274% (equivalent to 1.00% annually—.45% for mortality risks and .55% for expense risks) is assessed against and deducted from the assets in each Separate Account Series.

Section 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides, in relevant part, that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer to exchange the securities of registered unit investment trusts for the securities of any other investment company.

Applicants propose to permit participants to convert units from one Separate Account Series to another. Upon receipt of an election to effect a conversion of units between Series, Security First will transfer the total amount to be converted at the close of business on the day such election is received, provided that during the accumulation phase no such conversion may take place later than the second valuation date preceding the date on which annuity payments are to commence. The transfer will be made at the relative net asset value of the Fund in each of the Series affected, without the imposition of a sales charge, at the

close of business on the day such transfer occurs. A \$10.00 charge will be made against a participant's individual account each time that a conversion is made. Accordingly, Applicants hereby request that the Commission grant an order pursuant to Sections 11(a) and 11(c) of the Act to the extent necessary to permit conversions between Separate Account Series under the contracts as described above.

Sections 26(a) and 27(c)(2)

Section 27(c)(2) of the Act prohibits a registered investment company or a depositor of or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) of the Act and held under an indenture or agreement containing, in substance, the provisions required by Section 26(a)(2) and (3) for the trust indenture of a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the unit investment trust and places certain restrictions on charges which may be made against the trust income and corpus. The Separate Account proposes to act as custodian of its own assets; however, all such assets will be held for safekeeping pursuant to an agreement between Security First and the Crocker National Bank N.T.S.A. of Los Angeles, California ("Bank"). Accordingly, an exemption is requested from the foregoing provisions of Sections 26(a) and 27(c)(2) to the extent necessary (i) to make the requirement of a trust inapplicable; (ii) to allow the Separate Account to enter into a safekeeping agreement with the Bank; (iii) to allow the Separate Account to deduct reasonable administrative and other charges as described herein; (iv) to allow the Separate Account to deduct state premium taxes as described; and (v) to permit the Separate Account to accept "book shares" issued by the Funds in an open account in lieu of actual share certificates. Applicants have consented that the request for the foregoing exemptions may be made subject to the following conditions: (1) That the deduction for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and the Commission may reserve jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be determined to be exempted from regulation by the Commission by reason of the requested order, provided that

Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c)

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested party may, not later than May 4, 1982 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 4, 1982 unless the Commission thereafter orders a hearing upon request or upon the Commission's motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10319 Filed 4-14-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/508]

Presidential Commission on Broadcasting to Cuba; Partially Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended by Pub. L. 94-409 section 5(c), notice is hereby given that the Presidential Commission on Broadcasting to Cuba will meet in open and closed sessions on Monday, May 3, 1982.

The open session will convene on May 3 at 2:00 p.m. in Room 3524, N.S., Department of State, Washington, D.C.

The open session of the Commission meeting will allow public discussion of programming, technical, and other aspects of radio broadcasting to Cuba. The general public attending the open session may participate in the discussion or submit statements subject to instructions of the Chairman.

The purpose of the closed session is to discuss aspects of radio broadcasting to Cuba that should not be prematurely disclosed to the public. Documents classified under the provisions of Executive Order 12065 will also be discussed. Accordingly, it has been determined that it is in the public interest to close this meeting pursuant to 5 U.S.C. 552 b(1) and 5 U.S.C. b (c)(9).

Because entry to the State Department is controlled, members of the public who wish to attend the open session should contact Peter P. Lord in advance in order to provide their names and affiliation and to facilitate their attendance. His telephone number is (202) 632-7482. Attendees should use the Diplomatic Entrance located on C Street N.W., between 21st and 23rd Streets.

George W. Landau,

Executive Director, Presidential Commission on Broadcasting to Cuba.

April 2, 1982.

[FR Doc. 82-10307 Filed 4-14-82; 8:45 am]

BILLING CODE 4710-29-M

[Public Notice CM-8/510]

Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on May 19, 1982 at 10:00 a.m. in the first floor Theater, Communications

Satellite Corporation, 950 L'Enfant Plaza, S.W., Washington, D.C.

Study Group 4 deals with matters relating to systems of radio-communications for the fixed service using satellites. The purpose of the meeting is to review the results of the XVth Plenary Assembly, and Study Group 4's organization schedule and work program.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: April 9, 1982.

Gordon L. Huffcutt,
Chairman, U.S. CCIR National Committee.

[FR Doc. 82-10306 Filed 4-14-82; 8:45 a.m.]

BILLING CODE 4710-07-M

[Public Notice CM-8/511]

Modem Working Party of Study Group D; Meeting

The Department of State announces that the Modem Working Party of Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 29, 1982 at the Sheraton River House, Miami Airport, Miami, Florida at 9:00 a.m.

Study Group D deals with telecommunication matters relating to the development of international digital data transmission services; the Modem Working Party reviews actual and proposed CCITT recommendations pertaining to the specifications and use of modems in data transmission.

The agenda for the April 29 meeting will include planning for the 1982 activities of the Working Party and discussion of draft recommendations for higher speed full duplex switched network modems.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chair. Requests for further information may be directed to Richard H. Howarth, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632-1007 or T. de Haas, Chairman of U.S. Study Group D, Institute for Telecommunications Sciences, National Telecommunications and Information Administration, Boulder, Colorado, 80303, telephone (303) 499-1000, Ext. 3728.

Dated: April 5, 1982.

Richard H. Howarth,
Chairman, U.S. CCITT National Committee.

[FR Doc. 82-10309 Filed 4-14-82; 8:45 a.m.]

BILLING CODE 4710-07-M

[Public Notice CM-8/509]

Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on May 10, 1982 in Room 521J of the National Aeronautics and Space Administration, 600 Independence Avenue, S.W., Washington, D.C. The meeting will begin at 1:30 p.m.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic) and to interference problems concerning the radio astronomy and radar astronomy services. The purpose of the meeting is to review the results of the XVth CCIR Plenary Assembly and establish the program of work in preparation for the next international meeting of Study Group 2.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Request for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: April 6, 1982.

Gordon L. Huffcutt,
Chairman, U.S. CCIR National Committee.

[FR Doc. 82-10310 Filed 4-14-82; 8:45 a.m.]

BILLING CODE 4710-07-M

[Public Notice 803]

Certain Nonimmigrant Visas Validity

Public Notice 767 of August 4, 1981 authorized consular officers to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act valid for an indefinite period of time to otherwise eligible nationals of the countries listed in that Notice which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class.

Mexico is one of the countries on that list whose nationals may be issued indefinite nonimmigrant visitor visas for pleasure only. Recently the United

States Government and the Government of Mexico have agreed to extend the indefinite validity visa further to Mexican nationals who wish to enter the United States as nonimmigrant visitors for business.

The entry under Mexico is, therefore, revised accordingly.

This Notice amends Public Notice 767 of August 4, 1981 (46 FR 39718).

Dated: April 12, 1982.

J. Donald Blevins,
Acting Assistant Secretary for Consular Affairs.

[FR Doc. 82-10428 Filed 4-14-82; 8:45 a.m.]

BILLING CODE 4710-06-M

TENNESSEE VALLEY AUTHORITY

Time-of-Day Ratemaking Standard and Assignment of Allocation of Benefits of Hydro Power in Residential Rate Design

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of opportunity for further comment on time-of-day ratemaking standard and on assignment of allocation of benefits of hydro power in residential rate design.

SUMMARY: On April 1, 1981 the TVA Board made its determinations on the six ratemaking standards set out in the Public Utility Regulatory Policies Act of 1978 (Pub. L. No. 95-617), and on one other ratemaking standard. At that time the Board also described the planned implementation of the standards. With respect to standard 3 on time-of-day rates, it was explained that time-of-day rates would be implemented for all consumers with demands in excess of 5,000 kW and that time-of-day rates would be on a voluntary basis for all other consumers.

In a separate but related action on the same date, the Board adopted a Policy Statement on Allocation of Benefits of Low-Cost Power Sources to Residential Consumers. After reaffirming the practice of allocating the benefits of low-cost hydro power to residential consumers, the TVA Board concluded that residential rates would be designed to concentrate all such hydro allocation benefits in a first block of 1,250 kWh.

Opportunity is now being provided for further public comment, oral and written, on the following:

(1) Time-of-day rates for all industrial consumers with a demand greater than 5,000 kW;

(2) Time-of-day rates on a voluntary basis for consumers having demands of 5,000 kW or less; and

(3) The amount of low-cost power benefits allocated to residential customers and the concentration of those benefits in the first 1,250 kWh block of the residential rate.

DATES: Comments in writing on these matters should be received by 5 p.m. (EDT) on May 5, 1982. An oral comment session will be conducted on May 5, 1982.

ADDRESS: Written comments should be sent to: Robert C. Steffy, Jr., Director, Division of Energy Conservation and Rates, Tennessee Valley Authority, 703 Power Building, Chattanooga, Tennessee 37401.

FOR FURTHER INFORMATION CONTACT: Dawn S. Ford, Tennessee Valley Authority, 400 West Summit Hill Drive, EPB6, Knoxville, Tennessee 37902, (615) 632-4402. Copies of the April 1, 1981 Determinations on Ratemaking Standards and the Policy Statement on Allocation of Benefits of Low-Cost Power Sources to Residential Consumers may be obtained from Ms. Ford.

SUPPLEMENTARY INFORMATION: On May 5, 1982 following the conclusion of the formal agenda at the scheduled meeting of the TVA Board of Directors the public will be provided an opportunity to present oral comments on the above matters. The meeting will be held in Room B-32, TVA's West Tower, 400 West Summit Hill Drive, Knoxville, Tennessee, beginning at 8:30 a.m. (EDT). Any person who wishes to offer comments on these matters is requested to notify Ms. Ford in advance of the meeting.

Dated: April 9, 1982.

W. F. Willis,

General Manager.

[FR Doc. 82-10311 Filed 4-14-82; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 82-012]

Inland Navigational Rules Act of 1980; Effective Date for Great Lakes

Correction

The Federal Register document number for this notice is incorrect as shown in the last line of the third column of page 5834. (47 FR 5834, February 8, 1982). The Federal Register document number which now reads "FR Doc. 82-32", should read "FR Doc. 82-3256".

BILLING CODE 1505-01-M

[CGD 81-050]

Study of Electrical Hazard Protection of Tank Vessels Moored to Shore Facilities

On August 6, 1981 the Coast Guard published a notice in the Federal Register announcing this R & D study and the availability of a preliminary Task I report. The study, which is being conducted by the Jet Propulsion Laboratory (JPL) in Pasadena, CA is investigating the electrical interaction, primarily in stray currents, occurring at the vessel/pier interface of Tank Vessels moored at shore facilities and the methods of protection from this hazard.

It is widely recognized that electrical potentials often exist between vessels and the structures to which they are moored and that when these are bridged by a good electrical conductor a substantial electrical current can be generated. On a Tank Vessel, where flammable liquids and explosive atmospheres are an ever-present danger, the inadvertent initiation or disruption of such a circuit could produce incendiary sparks resulting in fire or explosion. Perhaps the most dangerous instance of this uncontrolled occurrence is during the connection and disconnection of cargo transfer lines.

The Coast Guard has become quite concerned over stray currents, particularly with the misconceptions, confusion and differing opinions held within the industry over procedures for addressing them. While most vessels utilize a bonding cable in attempting to short circuit the voltage and reduce the potential for stray currents, many authorities believe that bonding as practiced is extremely ineffective. This disparity is internationally recognized. In its report on the explosion of the French Tankship BETELGEUSE in Bantry Bay, the Irish authorities noted the controversy and recommended that "an expert study of these matters be undertaken."

In 1980 the Coast Guard contracted with Jet Propulsion Laboratory to initiate the study on electrical hazard protection of Tank Vessels (ships and barges). Task I, which included a literature review, problem definition, preliminary measurements, and refinement of a measurement methodology, has been completed. The findings revealed that while much investigation had already been conducted on electrostatics, very little had been done formally to characterize and deal with stray currents, which were found to be substantial in many cases. They also substantiated the aforementioned disagreement within the

industry on procedures for protection against stray currents. (Copies of the Task I report are still available.) Based on the Task I report, the Coast Guard believes that the research should now focus primarily on stray currents and the method of protection against them.

Before proceeding with Task II, the major phase of the study, the Coast Guard endeavored to contact the industry in order to obtain comments on the findings of Task I and the planned work for Task II. Accordingly, the Coast Guard published a notice in the Federal Register in August, 1981, and invited the industry to offer any comments which might contribute to the usefulness of the study. The response to this request was good with many groups offering their expertise. The response also confirmed that several conflicting theories on remediating the hazard were held within the industry. One commenter also noted that thus far the study had focused only on the transfer of petroleum products and should be expanded to examine the needs of those industries involved in marine transport of other flammable materials. Perhaps the most appropriate comment expressed was that the Coast Guard would do a great service to the industry if their study could settle the bonding argument once and for all. It may be that more than one method would provide effective protection from stray currents. However, each method must be fully evaluated and defined.

Despite the obvious need for further study on this hazard, the Coast Guard, due to the need for increase in the scope of the study and due to budgetary priorities, can no longer fund the research. Rather than accept an indefinite delay in the study however, it has been suggested that since the industry is very much interested in seeing the project continued it would itself be willing to provide the needed funding. (This type of arrangement with the industry is being utilized with increasing regularity in Coast Guard R&D work.) Some companies have already indicated a preliminary interest in so doing. The purpose of this notice, therefore, is to formally inquire as to whether the industry is indeed interested in providing the funding to continue this project. If this were accepted the Coast Guard would continue to act as the project manager. However, to provide for the input and concerns of the industry, representatives of the contributing parties would be formed into a task group to advise the Coast Guard on how the research should proceed. How the funds would actually be channeled, i.e., through the

Coast Guard or directly to the research group is being reviewed at this time.

Those parties interested in pursuing this plan should write to Commandant (G-MVI-2/24), U.S. Coast Guard, Washington, D.C. 20593 or contact the project officer, LT Robert MURRAY, at (202) 426-2183.

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief,
Office of Merchant Marine Safety.

April 8, 1982.

[FR Doc. 82-10357 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration National Airspace Review Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of the first meeting of the Executive Steering Committee of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows:

Opening Remarks

Introduction to the National Airspace Review Plan

Plan Brief

Discussion

DATE: May 4, 1982, 10:00 a.m. to 4:00 p.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, room 1010, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
National Airspace Review Program

Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by May 1, 1982. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on April 9, 1982.

R. J. Van Vuren,

Executive Director, NARAC.

[FR Doc. 82-10315 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-82-8]

Petitions for Exemption; Summary of Petitions Received, Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received, dispositions of prior petitions and corrections.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from

specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in this summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: May 4, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

The petition, any comments received and a copy of any final disposition are filed in the assigned regulated docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 9, 1982.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
22753	United States Parachute Association	14 CFR 91.47	To permit petitioner to use its DC-3/C-47 and L-18 aircraft to carry parachutists for hire at the 1982 National Parachuting Championships at Muskogee, Oklahoma.
22755	Eagle Aviation, Inc.	14 CFR 43.3	To permit petitioner's flight engineer to restow passenger oxygen masks during flight, following an unwanted mask drop, and to make appropriate logbook entries.
21832	Bishop Brothers, Inc.	15 CFR 91.31	Amendment to Exemption 3264 to permit petitioners to operate any leased aircraft which falls within the appropriate serial numbers at a 5 percent increased zero fuel and landing weight for the purpose of delivering perishable fish of the Alaskan fishing industry.
19946	Trans World Airlines	14 CFR 91.32 and 121.333	Renewal of Exemption No. 2914 to permit petitioner to operate its Boeing 747SP aircraft above flight level 410 without one pilot at the controls of the airplane wearing and using an oxygen mask.
22435	New York Air	14 CFR 43.3 and 43.7	To permit petitioner to borrow parts from or exchange parts with Air Canada for installation on its DC-9 aircraft in the United States.
22058	La Mancha Aire, Inc.	14 CFR 91.31(e)(5)	To allow petitioner to operate its DC-7 airplanes at a 5 percent increase in landing and zero fuel weight.
22700	Rocky Mountain Airways	14 CFR 65.101(a)(5)	To allow petitioner's Director of Quality Control to apply for a repairman certificate to perform maintenance on various propellers although he only has 14 months of experience.
22769	Knoell Bros. Construction, Inc.	14 CFR 91.169 and 91.181	To permit petitioner to operate its helicopter under Subpart D of Part 91 in the same manner as large and turbojet-powered multengine civil airplanes.
22770	Helicopter Charter, Inc.	14 CFR 43.3(h)	To permit petitioner's pilots to remove, check, reinstall, and safety wire magnetic chip detector plugs on Allison 250C series engines.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
22706	Bankair, Inc.	14 CFR 135.225(e)(1)	To permit petitioner to operate all of its aircraft when operating from Myrtle Beach Air Base and Beaufort Marine Corps Air Station using takeoff visibility minimums, subject to the approval of the appropriate military authority, which are less than 1 mile and equal to or greater than the landing visibility minimums established for those airfields.
22752	Federal Reserve Bank of Atlanta, Jacksonville Branch.	14 CFR 135.281(b)	To permit certain pilots of Capitol Aviation Service, Inc., to accept an assignment for duty during flight time and to reduce the required ten consecutive hours of rest to nine hours during the 24-hour period preceding the planned completion of the assignment.
22768	American Cyanamid Co.	14 CFR 135.89(b)(3)	To permit petitioner to operate its Learjet 25, Learjet 55, and Grumman Gulfstream II aircraft above flight level (FL) 350 (35,000 feet) up to and including FL 410 (41,000 feet) without one pilot having to wear and use an oxygen mask.
22196	Pilgrim Airlines	14 CFR 121.503(e)	Reconsideration of the Denial of Exemption No. 3428 to allow petitioner's pilots to fly as crewmembers more than 1,000 hours during any calendar year.
22407	Mr. Lloyd Goheen	14 CFR 65.91(c)(2)	Reconsideration of the Denial of Exemption No. 3459 to permit petitioner to obtain an inspection authorization without having been active in maintaining FAA-certificated aircraft in the past 2 years.
22791	Mooney Aircraft Corp.	14 CFR 45.29(b)(1)	To allow petitioner to use 10-inch high registration marks on Mooney Models M20J and M20K airplanes.
22780	Republic Airlines, Inc.	14 CFR 43.3(f) and 43.7(e)	To allow petitioner to accomplish maintenance and approve for return to service Chart Air, Inc.'s, DC-9-10 series aircraft operated under a FAR 125 Certificate.
21148	Merle Norman Cosmetics Aviation, Inc.	14 CFR 135.89(b)(3)	To allow petitioner's Gulfstream American II (G-1159) aircraft to operate up to and including 41,000 feet mean sea level (MSL) without requiring at least one pilot seated at the controls to wear, secured and sealed, an oxygen mask, above 35,000 feet.
22776	Merle Norman Cosmetics Aviation, Inc.	14 CFR 135.225(d)(e)	To allow petitioner's pilots with more than 100 hours as pilot in command (PIC), to make an IFR takeoff at a military or foreign airport when visibility is less than 1 mile. Those PIC's with less than 100 hours as PIC in type of airplane would be restricted to the 1-mile visibility takeoff minimum.
20371	W. F. Probst Co.	14 CFR 61.58(c)	Extension of Exemption 3023 which allows petitioner's trainees to complete a 24-month pilot-in-command check in an FAA approved flight simulator.
22705	Pitts Aerobatics	14 CFR 23.1325	To relieve petitioner from the requirement to install an alternate static air source with a suitable valve and placard located on the instrument panel of its five models of aircraft. The aircraft are limited to day VFR only with flight into known icing conditions prohibited, and the aircraft are for exclusive use as aerobatic machines.
22775	Space Services, Inc.	14 CFR 101.23	Relief from the prohibition of rocket launches within five miles of an airport boundary. The relief would cover the launch of a Conestoga Rocket from Matagorda Island, Texas, in a suborbital test flight of 167 miles high and 279 miles downrange.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22260	Michael Weletyk	14 CFR 101.13(a)(2)	To permit petitioner to conduct kite operations more than 500 feet above the surface of the earth. Withdrawn Feb. 3, 1982.
21293	Clay Lacy Aviation	14 CFR 135.243(a)	Reconsideration of a Denial of Petition to permit Mr. Steven R. Purwin to serve as pilot in command of Lacy Aviation aircraft without holding an airline transport pilot certificate. Denied Mar. 9, 1982.
22444	Transamerica Airlines	14 CFR 121.311(e)	Extension of the March 6, 1982 compliance date to September 15, 1982, for the shoulder harness requirement for petitioner's Lockheed L-382 aircraft. Granted Mar. 11, 1982.
22633	Virgin Islands Seaplane Shuttle, Inc.	14 CFR 135.175(a)	To allow petitioner to conduct day VFR flights in specified large, multi-engine aircraft without airborne weather radar equipment installed. Granted Mar. 12, 1982.
21253	Flight Safety International	Various Sections of 61 and 135	To permit petitioner's trainees to accomplish the maneuvers required in a Bell 222 simulator in lieu of an aircraft. Withdrawn Mar. 1, 1982.
22763	American International Inc.	14 CFR 121.311(f)	To allow petitioner 60 additional days for compliance with the requirement to install flight attendant seat belt and shoulder harness restraints. Granted Mar. 16, 1982.
22751	Wein Air Alaska	14 CFR 121.311(f)	To permit petitioner to operate four B-727-22C airplanes without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirement. Granted Mar. 16, 1982.
22688	Henson Airlines	14 CFR 121.311(e)(2)	To allow petitioner to operate its fleet of Short Brothers SD3-30 aircraft after March 6, 1982, without compliance with the safety belt and shoulder harness requirements. Granted Mar. 16, 1982.
22463	Cochise Airlines, Inc.	14 CFR 121.311(e)	To permit petitioner to operate its Convair 440 aircraft after March 6, 1982, compliance date without installation of combined safety belt and shoulder harness at each flight deck station and on each flight attendant seat in the passenger compartment. Partial Grant Mar. 17, 1982.
12464	Compagnie National Air France	14 CFR Parts 21, 61, 63, and 91	To amend Exemption 1690AA to permit petitioner to operate an additional B-747-228B aircraft using foreign airman, an FAA-approved continuous airworthiness maintenance program and the B-747 master minimum equipment list. Granted Mar. 16, 1982.
22436	American Airlines	14 CFR 121.351(a) and 121.99	To permit operation of petitioner's turbojet aircraft on routes in the New York Oceanic Control Area between the east coast and Bermuda with one of two installed HF communications systems inoperative at the time of departure and without maintaining two-way radio communications between each aircraft and the dispatch office along the named route. Granted Mar. 19, 1982.
22481	Ms. Cindy Ann Allen	14 CFR 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate even though she has not reached 23 years of age. Denied Mar. 19, 1982.
22540	Mr. Steve Akinsete	14 CFR 61.121 and 61.123	To permit petitioner to obtain a commercial pilot certificate prior to becoming 18 years of age. Denied Mar. 19, 1982.

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22469	Parks College of Saint Louis University	14 CFR Part 141, Appendices A, C, D, F	To permit petitioner to train certain of its students to a performance standard without meeting the prescribed minimum flight-time requirements. Partial Grant Mar. 23, 1982.
22567	Air Transport Association of America	14 CFR 121.311(f)	To permit certain of petitioner's member airlines to operate their aircraft after the March 6, 1982, compliance date for the requirement that each flight attendant have a seat in the passenger compartment for takeoff and landing with a combined safety belt and shoulder harness. Granted Mar. 5, 1982.
22118	British Aerospace	14 CFR 145.73(a)	To permit petitioner's FAA-approved foreign repair station to work on U.S.-registered aircraft which are not operating wholly or partly outside the United States. Granted Mar. 31, 1982.
22539	Air Methods, Inc.	14 CFR 43.3(h)	To permit petitioner's appropriately trained and certified pilots to remove, check, and reinstall the magnetic chip detector plugs on Bell 206 helicopter engines, transmissions, and tail rotor gear boxes. Granted Mar. 23, 1982.
21959	Deere & Co.	14 CFR portions of Parts 21 and 91	To permit petitioner to operate its G-1159, C-500, and L-1329 airplanes under Part 91 using minimum equipment lists. Granted Mar. 24, 1982.
22628	Transamerica Airlines	14 CFR 121.311(e)	To permit petitioner to operate its L-188 airplanes after March 6, 1982, but no later than December 31, 1982, without the airplanes being equipped with a combined safety seat belt and shoulder harness at the flight observer's seat located on the flight deck. Granted Mar. 25, 1982.
22465	Texas Air Carrier, Inc.	14 CFR 61.57(d)	To permit petitioner's pilots in command to carry passengers during the period beginning 1 hour after sunset and ending 1 hour before sunrise without making at least three takeoffs and three landings within the preceding 90 days. Denied Mar. 25, 1982.
22147	Aeroamerica	14 CFR portions of Part 121	To permit petitioner to conduct scheduled passenger service, authorized by the CAB, over certain routes, utilizing the flight control/dispatch procedures, communication procedures, airport and route qualification procedures for pilots, and en route servicing and maintenance procedures that are applicable to supplemental air carriers. Denied Mar. 25, 1982.
22283	Air Methods, Inc.	14 CFR 135.181(b)(2)(iii)	To permit petitioner to make instrument flight rules (IFR) arrivals and approach in forecast IFR conditions. Denied Mar. 26, 1982.
20314	Flight Training Devices (FTD)	14 CFR 61.63(d)(2)(3) and 61.157(d)(1)	To permit petitioner's trainees to complete a practical test, for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing, in an airplane simulator although FTD does not have an operating certificate under Part 121. Granted Mar. 26, 1982.
22536	Mr. Robert R. Durych	14 CFR 61.161(b)	To permit petitioner to obtain an airline transport pilot certificate in the rotocraft category without meeting the requirement of having 1,200 hours of flight time within the preceding 8 years. Granted Mar. 30, 1982.
21610	Acme Aircraft Co.	14 CFR 145.35(a) and 145.37(b)	Reconsideration of the Denial of Exemption No. 3359 to permit petitioner to obtain a repair station rating for Convair series aircraft without meeting all or the housing and facility requirements. Denied Apr. 2, 1982.
22562	Mr. Steve Pankonin	14 CFR 45.29	To permit petitioner's Aircraft to display 3-inch marks on two Piper L-21B aircraft so that they may retain their paint scheme for exhibition at fly-ins, etc. Denied Apr. 5, 1982.

[FR Doc. 82-10314 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration**Environmental Impact Statement;
Solano County, Calif.****AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of intent.**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Solano County, California.**FOR FURTHER INFORMATION CONTACT:** C. G. Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-2521.**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to close a temporary at-grade access opening onto Interstate 80 (I-80) and provide other means of access to properties becoming

landlocked by that closure. There are five alternative methods of providing access under consideration. Three of the alternatives would consist of construction of frontage roads on various routings, the fourth would be construction of an overcrossing and frontage road, and the fifth would be construction of a freeway to local road interchange.

The project is approximately two miles long and lies between the cities of Dixon in Solano County and Davis in Yolo County.

A preliminary scoping meeting was held in the City of Davis on January 14, 1982. Continuance of the scoping process will be handled through written and informal personal communication with various federal, state and local agencies, and affected individuals. Additional formal scoping meetings prior to distribution of the draft EIS will be held only if responses from those contacted indicate a need for such meetings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

C. G. Clinton,
District Engineer, Sacramento, California.

[FR Doc. 82-10036 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-22-M

**Research and Special Programs
Administration****Applications for Renewal or
Modification of Exemptions or
Applications To Become a Party to an
Exemption****AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, DOT.**ACTION:** List of applications for renewal or modification of exemptions or

application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the Applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes April 30, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington D.C.

Application No.	Applicant	Renewal of exemption	Application No.	Applicant	Renewal of exemption
5322-X	Union Carbide Corporation, Danbury, CT.	5322	7595-X	American Cyanamid Company, Wayne, NJ.	7595
5749-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	5749	7607-X	Engineering-Science, McLean, VA.	7607
5852-X	Philadelphia Gas Works, Philadelphia, PA.	5852	7621-X	Great Lakes Chemical Corporation, El Dorado, AR.	7621
5852-X	South Jersey Gas Company, Folsom, NJ.	5852	7654-X	Mallinckrodt, Incorporated, Paris, KY.	7654
5891-X	U.S. Department of Energy, Washington, DC.	5891	7654-X	Eastman Kodak Company, Rochester, NY.	7654
6016-X	Weiler Welding Company, Incorporated, Dayton, OH.	6016	7657-X	Welker Engineering Company, Sugar Land, TX.	7657
6016-X	Acety-Arc, Inc., Paducah, KY.	6016	7714-X	Suttons International Limited, London, England.	7714
6016-X	Wilson Welding Supply, Inc., Warren, MI.	6016	7737-X	Parker Hannifin Corporation, Eastlake, OH.	7737
6016-X	Southern Welding Supply Co., Inc., Bowling Green, KY.	6016	7777-X	Saunders Chemical Company, Evans, CO.	7777
6016-X	Huber Supply Company, Mason City, IA.	6016	7828-X	Alaska International Air, Anchorage, AK.	7828
6016-X	S.J. Smith Co., Inc., Davenport, IA.	6016	7891-X	Sigma-Aldrich Corporation, St. Louis, MO.	7891
6016-X	Kanweld Welding Equipment & Supplies, Kankakee, IL.	6016	7909-X	Dow Chemical Company, Midland, MI.	7909
6113-X	Fitchburg Gas and Electric Light Co., Canton, MA.	6113	7928-X	State of Alaska, Juneau, AK.	7928
6113-X	Northwest Natural Gas Company, Portland, OR.	6113	7972-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	7972
6113-X	Bay State Gas Company, Canton, MA.	6113	7998-X	Dow Chemical Company, Midland, MI.	7998
6126-X	Hapag-Lloyd, AG, Hamburg, Germany.	6126	8153-X	Chemical Waste Management, Inc., Emelle, AL.	8153
6197-X	Philadelphia Gas Works, Philadelphia, PA.	6197	8153-X	Browning-Ferris Industries Chemical Services Inc., Houston, TX.	8153
6197-X	Providence Gas Company, Providence, RI.	6197	8274-X	Eurotainer, Paris, France.	8274
6225-X	Great Lakes Chemical Corporation, El Dorado, AR.	6225	8308-X	Casperson, Inc., Glencoe, IL.	8308
6253-X	Hapag-Lloyd, Hamburg, Germany.	6253	8308-X	United States Priority Transport Corporation, Huntington, NY.	8308
6325-X	Mining Services International, Salt Lake City, UT.	6325	8361-X	Yellow Spring Instrument Co., Inc., Yellow Spring, OH.	8361
6397-X	Pennwalt Corporation, Philadelphia, PA.	6397	8382-X	Altus Corporation, San Jose, CA.	8382
6397-X	Allied Corporation, Morristown, NJ.	6397	8369-X	Degussa Corporation, Teterboro, NJ.	8369
6453-X	General Motors Corporation, Detroit, MI.	6453	8375-X	Sea Containers Inc., New York, NY.	8375
6464-X	Bay State Gas Company, Canton, MA.	6464	8379-X	3M Company, St. Paul, MN.	8379
6614-X	Hill Brothers Chemical Company, Tucson, AZ.	6614	8382-X	Walter Kidde Company, Incorporated, Belleville, NY.	8382
6637-X	Advanced Chemical Technology, City of Industry, CA.	6637	8393-X	Union Carbide Corporation, Tarrytown, NY.	8393
6731-X	U.S. Department of Defense, Washington, DC.	6731	8404-X	Minnesota Valley Engineering, Inc., New Prague, MI.	8404
6743-X	Atlas Powder Company, Dallas, TX.	6743	8408-X	Presvac Systems (Burlington) Limited, Burlington, Ontario Can.	8408
6763-X	Purex Corporation, City of Industry, CA.	6763	8427-X	U.S. Department of Defense, Washington, DC.	8427
6768-X	Van De Mark Chemical Company, Inc., Lockport, NY.	6768	8441-X	Battery Disposal Technology, Inc., Clarence, NY.	8441
6787-X	Advanced Chemical Technology, City of Industry, CA.	6787	8441-X	Electrochem Industries, Inc., Clarence, NY.	8441
6805-X	Union Carbide Corporation, Danbury, CT.	6805	8441-X	U.S. Department of Defense, Washington, DC.	8441
6828-X	American Home Products Corporation, New York, NY.	6828	8441-X	General Motors Corporation, Detroit, MI.	8441
6919-X	Minnesota Gas Company, Minneapolis, MN.	6919	8441-X	Power Conversion, Inc., Mount Vernon, NY.	8441
6963-X	I.S.C. Chemicals Limited, Bristol, England.	6963	8504-X	Mississippi Tank Company, Hattiesburg, MS.	8504
6999-X	U.S. Department of Defense, Washington, DC.	6999	8760-X	Barton Solvents, Inc., Des Moines, IA.	8760
7052-X	United Space Boosters, Incorporated, Huntsville, AL.	7052	8778-X	Richmond Lox Equipment Company, Livermore, CA.	8778
7052-X	Ray-O-Vac Corporation, Madison, WI.	7052			
7052-X	Gould, Incorporated, Andover, MA.	7052			
7052-X	Altus Corporation, San Jose, CA.	7052			
7052-X	Matsushita Battery Industrial Company, Osaka, Japan.	7052			
7052-X	Panasonic Industrial Company, Secaucus, NJ.	7052			
7052-X	Industrial Solid State Controls, Inc., York, PA.	7052			
7052-X	Eagle-Picher Industries, Inc., Joplin, MO.	7052			
7052-X	U.S. Department of Defense, Washington, DC.	7052			
7052-X	National Aeronautics and Space Administration, Washington, DC.	7052			
7077-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	7077			
7218-X	Structural Composites Industries, Inc., Pomona, CA.	7218			
7277-X	Structural Composites Industries, Inc., Pomona, CA.	7277			
7477-X	Syston Donner Corporation, Concord, CA.	7477			
7548-X	U.S. Department of Defense, Washington, DC.	7548			

¹To authorize 16 pound maximum polyethylene bottles as an alternate inner packaging to the units currently specified.

²To renew exemption issued on an emergency basis to authorize the display of one identification number on cargo tanks having six or more compartments containing specific commodities.

³To authorize water as an additional mode of transportation for shipment of liquefied hydrogen.

Application No.	Applicant	Renewal of exemption
2787-X	U.S. Department of Defense, Washington, DC.	2787
3128-X	U.S. Department of Defense, Washington, DC.	3128
3128-X	Walter Kidde Company, Incorporated, Belleville, NJ.	3128
3563-X	U.S. Department of Energy, Washington, DC.	3563
3606-X	Walter Kidde & Company, Incorporated, Belleville, NJ.	3606
3996-X	Stauffer Chemical Company, Westport, CT.	3996
4453-X	Alamo Explosives Company, Inc., Houston, TX.	4453
4453-X	Casebier Bulk Transport Co., Inc., Beaver Dam, KY.	4453
4850-X	Ensign Bickford Company, Simsbury, CT.	4850

Application No.	Applicant	Parties to exemption
5206-P	Atlas Power Company, Dallas, TX.	5206
5243-P	IMC (Comsol Division), Des Plaines, IL.	5243
5704-P	Trojan Corporation, Spanish Fork, UT.	5704
6305-P	IMC (Comsol Division), Des Plaines, IL.	6305
6614-P	Pleasure Industries Corporation, St. Joseph, MI.	6614
6614-P	Russell B. Mason Co., Inc., Webster, NY.	6614
6614-P	Mid-State Chemical & Supply Corp., Indianapolis, IN.	6614

Applica- tion No.	Applicant	Parties to exem- ption
6844-P	American Cyanamid Company, Wayne, NJ.	6844
6984-P	EDS Engineering & Drilling Company, Washington, MO.	6984
7013-P	Airco Welding Products, Murray Hill, NJ.	7013
7025-P	Union Carbide Corporation, Danbury, OH.	7025
7753-P	Mobil Chemical Company, Richmond, VA.	7753
7987-P	American Cyanamid Company, Wayne, NJ.	7987
8077-P	Fairchild Camera and Instrument, San Rafael, CA.	8077
8184-P	Trojan Corporation, Spanish Fork, UT	8184
8441-P	Honeywell Incorporated, Horsham, PA	8441
8441-P	Wilson Greatbatch Ltd., Clarence, NY	8441
8441-P	United Space Boosters, Inc., Huntsville, AL.	8441
8511-P	Interco America, Houston, TX	8511
8558-P	Trojan Corporation, Spanish Fork, UT	8558
8565-P	PPG Industries, Inc., Pittsburgh, PA	8565
8732-P	Van Waters & Rogers, San Jose, CA.	8732

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 6, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-10251 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials; Application for Exemption

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of Exemption Application—7914-N.

SUMMARY: The MTB on remand from the United States District Court for the District of Columbia, is reviewing Southern Pacific Transportation Company's (SPTC) request for exemption from the buffer car requirements listed in 49 CFR 174.91, 174.92, 174.93.

The MTB must determine whether SPTC's proposal provides a level of safety at least equal to the safety measures specified in the regulations

which are primarily designed to lessen the risks of injury to railroad operating personnel.

DATE: Comments must be received on or before May 20, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Joseph T. Horning, Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-755-4962).

SUPPLEMENTARY INFORMATION: On January 16, 1978, SPTC first requested an exemption from the regulations as they apply to tank cars containing petroleum crude oil hauled in unit trains operated between Odgen, Utah and Richmond, California. The SPTC appealed MTB's denial of this request to the U.S. District Court for the District of Columbia which remanded the matter on February 1, 1980, to MTB for new consideration. The Court noted what it saw as MTB's inadequate consideration of availability of buffer cars and safety measures already instituted.

Where there are not enough unrestricted cars in the train to provide the full complement of five buffer cars, the regulations require the use of at least one buffer car between loaded tank cars containing hazardous materials and the locomotive or occupied caboose. The train placement requirements designated in the regulations are designed to provide protection for train operating personnel during the transportation of tank cars carrying hazardous materials. The crude oil being transported is classified as a flammable liquid having a flashpoint of 32° Fahrenheit. The material is loaded into tank cars at approximately 150° Fahrenheit and it is conceivable that the temperature will remain above the flashpoint during transportation.

To achieve a level of safety equal to that provided in the regulations, SPTC cites the use of automatic detectors and inspections enroute, which allegedly negate the need for buffer cars by reducing the likelihood of a derailment.

The SPTC proposed no additional safety control measures other than those presently in effect to compensate for the loss of protection resulting from the lack of buffer cars.

Issued in Washington, D.C. on April 6, 1982.

Alan I. Roberts,

Associate Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau.

[FR Doc. 82-10168 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials; Applications for Exemptions

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes on May 17, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8798	Stauffer Chemical Company, Westport, CT	49 CFR 173.315	To authorize shipment of phosphoric anhydride, classed as a corrosive material in DOT Specification 56 portable tanks constructed of 316 stainless steel. (modes 1, 2)
8799-N	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.33(d)(2)	To authorize shipment of sodium, metallic in DOT Specification MC-330 or MC-331 cargo tanks without periodic hydrostatic or pneumatic testing. (mode 1)
8800-N	General American Transportation Corp., Masury, OH.	49 CFR 173.353	To manufacture, mark and sell DOT Specification 51 portable tanks for shipment of methyl bromide. (modes 1, 2, 3)

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8801-N	The Associated Octel Company Ltd., South Wirral, England.	49 CFR 173.354	To authorize shipment of motor fuel antiknock compound, Class B poison in non-DOT specification IMCO Type V portable tanks. (modes 1, 2, 3)
8802-N	EVA-Eisenbahn-Verkehrsmittel-Gesellschaft MBH.	49 CFR 173.315	To manufacture, mark and sell non-DOT specification IMCO Type V portable tank for shipment of dichlorodifluoromethane, classed as a nonflammable gas. (modes 1, 2, 3)
8804-N	Dyanatrans Aktiebolag Sweden, Gothenburg, Sweden.	49 CFR 173.315	To manufacture, mark and sell non-DOT specification portable tanks similar DOT Specification 51 except they are equipped with bottom outlets for shipment of certain flammable and nonflammable gases. (modes 1, 2, 3)
8805-N	Union Carbide Corporation, Danbury, CT	49 CFR 172.101, 173.315, 176.76(b)	To manufacture, mark and sell non-DOT specification cargo tanks to transport pressurized liquid nitrogen, oxygen or argon. (modes 1, 2)
8806-N	Natco, Inc., Chicago, IL	49 CFR 176.134	To manufacture, mark and sell a composite non-DOT specification metal drum similar to a DOT Specification 37M except for polyethylene head and method of attachment and containing a 40 mil polyethylene liner for shipment of commodities authorized in 37M/2SL containers. (modes 1, 2)
8807-N	Natco, Inc., Chicago, IL	49 CFR 176.116	To manufacture, mark and sell non-DOT specification tight head 55-gallon steel drums similar to DOT Specification 17E except top and bottom heads are 20 gauge steel secured by 7 ply chime, for shipment of commodities authorized in 17E drums. (modes 1, 2)
8808-N	Monitor Labs, Inc., San Diego, CA	49 CFR 172.101, 173.336, 175.3	To authorize shipment of two grams of nitrogen dioxide, Class A poison contained in non-DOT specification (permeation) cylinder overpacked in a schedule 40 steel pipe, used for calibration of air pollution analyzers, via cargo-only aircraft. (mode 4)
8809-N	Continental Group, Inc., Stamford, CT	49 CFR 176.225	To manufacture, mark and sell non-DOT specification fibre drum overpacks for inner 15-gallon plastic containers similar to DOT Specification 21P/2U except top head is molded polyolefin secured to drum by wire stitches for shipment of commodities authorized in 21P/2U containers. (modes 1, 2, 3)
8810-N	Burris Chemical, Inc., Augusta, GA	49 CFR 173.272	To authorize shipment of 66 percent sulfuric acid, classed as a corrosive material in DOT Specification 57 345 gallon mild steel portable tanks. (mode 1)
8811-N	American Hoechst Corporation, Somerville, NJ	49 CFR 173.294(a), 178.340, 178.343	To authorize shipment of monochloroacetic acid anhydrous and monochloroacetic acid aqueous solution, classed as corrosive materials in non-DOT specification Cargo tanks similar to DOT Specification MC-312 except they are constructed of titanium SB 265 grade 2, annealed metal. (mode 1)
8812-N	The Protectoseal Company, Bensenville, IL	49 CFR 173.119, 178.89	To manufacture, mark and sell non-DOT specification five gallon metal containers comparable to DOT Specification 5L for shipment of gasoline, and gasohol, classed as flammable liquids. (mode 1)
8813-N	Nebraska Solvents Company, Grand Island, NB	49 CFR 172.328, 177.334	To authorize shipment of flammable and combustible liquids contained in compartmented cargo tanks to use only one identification number associated with the product having the lowest flash point. (mode 1)
8814-N	Structural Composites Industries, Pomona, CA	49 CFR 173.302(a)(1), 175.3	To manufacture, mark and sell large fiberglass reinforced plastic cylinders having aluminum liner comparable to DOT Specification 3 AX or 3AAX for shipment of various flammable or nonflammable, nonliquefied gases. (modes 1, 2, 3, 4)
8815-N	Atlas Powder Company, Dallas, TX	49 CFR 173.114(h)(3)	To authorize shipment of certain blasting agents, in bulk transported in a concrete mixer. (mode 1)

This notice of receipt of applications for new exemptions is published in accordance with Sec. 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC., on April 8, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-10169 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-60-M

[Docket No. 82-3W; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Petition for Waiver

The Northern Border Pipeline Company has petitioned the Materials Transportation Bureau (MTB) for a waiver from compliance with the requirements of 49 CFR 192.245 regarding repair of girth weld defects in approximately 635 miles of its 42-inch diameter pipeline in the States of Montana, North Dakota, South Dakota, Minnesota, and Iowa constructed during 1981 and repair of possible future defects in approximately 188 miles remaining to be constructed during 1982. Repair would be by one or more of five qualified weld repair procedures.

The pipeline is known as the "Eastern Leg" of the Alaska Natural Gas Transportation System (ANGTS) as a

part of the Alcan Project. The Northern Border pipeline will receive Alaskan gas at the Saskatchewan-Montana border from the Canadian-owned portion of the ANGTS and transport such gas 1,131 miles along a route diagonally through the above States, terminating at a point near Dwight, Illinois. Northern Border is presently engaged in constructing what is referred to as the "Prebuild Project." When completed in 1982, the prebuild portion of the Northern Border system will transport natural gas in interstate commerce from Port of Morgan, Montana, to Ventura, Iowa, a distance of 823 miles.

The petition of Northern Border dated March 19, 1982, requests that relief be granted on an expedited basis pursuant to section 9 of the Alaska Natural Gas Transportation Act (ANGTA) (15 U.S.C. 719g). The MTB seeks to expedite action on this matter consistent with

assurances to the public that the pipeline welds containing defects will be safe when repair is completed. In accordance with section 102(c) of Reorganization Plan No. 1 of 1979, 44 FR 33663 (June 12, 1979), and Executive Order 12142, 44 FR 36927 (June 25, 1979), the terms and conditions for any waiver which might be granted would be enforced by the Federal Inspector. This is true also for enforcement of all of 49 CFR Part 192 on pipelines subject to ANGTA.

Background

In a recent audit of weld radiographs, Northern Border detected a number of welds which contain cracks or other welding defects that do not meet the weld acceptability standards of section 6 of American Petroleum Institute (API) Standard 1104 incorporated by reference in § 192.241(c). The radiographic weld

films had been interpreted initially by the radiographic contractors as conforming to API Standard 1104. Northern Border reexamined these records to ascertain compliance with that Standard. A list of the "nonconforming welds," identifying them by weld number and belt location, is attached to the waiver petition.

The total number of weld defects and other radiographic discrepancies on the list is 842. A number of these discrepancies involve radiographic film record inadequacies rather than an identified defect in the weld. MTB estimates there are approximately 570 existing weld defects to be repaired if the waiver is granted.

Pipe containing the suspected nonconforming welds which are the subject of the petition already has been lowered into the pipeline ditch, backfilled, and the right-of-way has been restored.

The Federal gas pipeline safety standard for repair or removal of weld defects in onshore pipelines (49 CFR 192.245) prohibits multiple repair of any defects or repair of a crack that is longer than 2 inches or that penetrates either the root or second bead of the weld. In contrast, API Standard 1104, Section 7, permits the repair of weld cracks that are less than 8 percent of the weld length (10.56 inches in a 42-inch diameter pipe) as well as multiple repair of defects.

The 15th edition of this Standard is incorporated by reference in 49 CFR Part 192 requirements for qualification of welding procedures (§ 192.225), qualification of welders (§ 192.227), and acceptability of a weld which is nondestructively tested or visually inspected (§ 192.241(c)). Section 7 of API Standard 1104 is not referenced in Part 192.

Northern Border's petition requests a waiver of the § 192.245 prohibitions to permit use of one or more of five repair procedures which Northern Border states have been qualified in accordance with API Standard 1104.

Under the provisions of the waiver request, the petitioner would repair certain girth weld defects that would otherwise, according to 49 CFR 192.245, require removal of entire welds. Because the part of the pipeline constructed during 1981 is already buried, removal and replacement of a weld would require excavation, cutting out of a pipe section including the weld, and insertion and welding in of a new short pipe section which would require two new girth welds.

Northern Border presented four reasons in the petition to support weld repair rather than replacement.

1. *Difficulties associated with cutting out and replacing welds.* The petition states, "Weld replacement could require an excavation of up to 350 feet long in order to achieve the flexibility in the pipe to make the ends meet. A weld repair requires only an excavation of about 20 feet long. Thus a much smaller area of land would be disturbed under the weld repair procedure * * * The repair of a weld requires a crew of 41 and 11 pieces of equipment. In contrast, weld replacement requires a crew of 54 and 25 pieces of equipment * * * A third factor in favor of the weld repair procedure is the differing length of time involved. The weld repair procedure involves substantially less time to complete than does replacement of a weld."

2. *Environmental impact.* Northern Border also stated, "It has been determined that almost 20 percent of the nonconforming welds are located in or near designated environmentally sensitive areas."

3. *Cost savings.* The petitioner also asserts that there will be a cost savings of \$12,500,000.00 that will benefit the U.S. consumer if the weld repair procedures are utilized rather than replacing the welds.

4. *Detrimental effect to the U.S. consumer.* The effect of delay that would result if welds are required to be replaced is illustrated by the petitioner in considering the terms of the export license issued by the Canadian government, commencing November 1, 1981, and extending through October 31, 1987. During the initial years of operation and prior to introduction of natural gas from the Prudhoe Bay area of Alaska, the pipeline will transmit Canadian natural gas which has been licensed for export by the Canadian government to U.S. markets. While the export license provides for a contingent makeup of the volumes not taken during the year November 1, 1981, through October 31, 1982, there is no provision for makeup of volumes not taken after the beginning of the second year of the license. Thus, if service through the Northern Border pipeline is delayed beyond the start of the second contract year, all volumes not taken thereafter cannot under the terms of the export license be made up and are, therefore, lost to the consumer.

Weld repair qualification trials were conducted by Northern Border for five separate procedures utilizing API Standard 1104, including destructive testing. The petition states that "The girth welds which were used to qualify the Repair Procedures were actual field production welds made during 1981

construction of the Northern Border pipeline."

The procedures Northern Border developed and tested for qualification as weld repairs are titled in the petition:

- A. Procedure for Elimination of Transverse Cracks (Grinding Only)
- B. Weld Crack Repair Procedure, Partial Penetration (Internal/External)
- C. Weld Crack Repair Procedure for Environmentally Sensitive Areas
- D. Weld Crack Repair Procedure Complete Wall Penetration
- E. Multiple Weld Repair Procedure

Northern Border has instituted a testing program to validate and qualify the repair procedures consisting of the following as stated in the petition:

Preparation of test specimens of repaired girth welds, using cut out rings which were radiographically identified as containing cracks in the stringer bead similar to those which are the subject of the waiver petition * * * Repair of the test specimens took place between March 8, 1982, and March 16, 1982. Evaluation of the repair procedure and metallurgical analysis of the repaired welds were performed by Dr. Brian Jones of the InterNorth, Inc. Research Center in Omaha, Nebraska. Tensile tests, micro-hardness surveys, and Charpy V-notch impact tests were performed on the weld specimens. These tests were designed to provide appropriate comparisons between the corresponding properties of the repair weld metal with those of the field weld metal and the base metal of the pipe.

A copy of Dr. Jones' full report is attached to the petition and is in the Docket. Northern Border concludes that these tests and reports fully establish that repairing cracks in welds in accordance with the repair procedures they propose produces sound welds and assures a safe pipeline over its projected service life.

Possible Changes in DOT Weld Repair Regulation

As a result of a petition dated June 2, 1981, from the API requesting changes in weld repair regulations and an earlier ongoing review of weld repair regulations by the Office of Pipeline Safety Regulation (OPSR), MTB has been considering amending the gas pipeline safety regulations contained in § 192.245. Proposed changes would remove the present restrictions on the repair of certain weld cracks and on the multiple repairs of other weld defects with addition of procedural requirements based upon API Standard 1104 to assure equivalent pipeline safety at a lower construction cost.

Data developed by the industry in support of waiver petitions submitted from 1975 to 1981 show that weld repairs can be made safely. Waivers granted by

the Department of Transportation (DOT) for the Alyeska Pipeline Service Company (42 FR 25983, June 9, 1977), the Michigan Wisconsin Pipeline Company (42 FR 33406, June 30, 1977), and LOOP Inc. (48 FR 22346, April 16, 1981) have all stressed the necessity of adhering to proven procedural requirements to achieve sound, ductile weld repairs, and by so doing, have assured safety as well as the savings of millions of dollars to the industry and thus to the consumer.

Regulatory Concerns

MTB has advised Northern Border about several areas of concern in the petition, particularly as related to qualifying the five weld repair procedures, and has requested additional supporting information in the following matters:

1. Northern Border references in its petition the 14th edition of API Standard 1104 (which has never been incorporated in Part 192) instead of the 15th edition. An amendment to Part 192 was published in January of 1981 which updated the editions of standards and specifications that are incorporated by reference, including API Standard 1104. The 15th edition (1980) was incorporated at that time, and is still applicable. Prior to that amendment, the 13th edition of API Standard 1104 was referenced. The 13th and 14th editions of API Standard 1104 contained provisions for radiographic determination of the depth of root bead undercutting by the use of a comparator shim. Since use of the shim was proven inaccurate, the DOT regulations prohibited its use in §§ 192.227, 192.229, and § 192.241. The 15th edition of API Standard 1104 no longer contains the provision for radiographic determination of the depth of root bead undercutting, and since the 15th edition is referenced by Part 192, the exceptions have been removed. Facts are needed to demonstrate why this deviation from the requirements of Part 192 has had no effect on the construction of the Northern Border pipeline to date and, therefore, would result in a satisfactory weld repair. If the 15th edition is not used for both future construction and the repair procedures, convincing reasons must be provided for an additional waiver to Part 192.

2. The petition states that repair procedures were developed and qualified in accordance with API Standard 1104. In the accompanying report, bend tests and nick-break tests as required by section 2.0 of API Standard 1104 were not shown to have been performed. MTB questions how Northern Border plans to demonstrate the requirement of both Part 192 API

Standard 1104 for "ductile" welds in lieu of such testing. Additional supporting facts are needed to assure that the repair welds will meet the same requirements for ductility and soundness as for the original welding procedure, and the repair procedure qualification tests should provide proof of meeting these requirements.

3. Northern Border has established impact toughness requirements, and attainment of fracture toughness in the repair welds that is at least equal to that required for the original welding procedure must be shown before any possible granting of the weld repair waiver. For this reason, Northern Border must specify requirements for Charpy impact energy for the original welding procedure and show, by comparative test results on the repair welds made during qualification of the procedure, that the repair welds will meet the same requirements for impact energy.

4. It is important in consideration of the waiver that information necessary when interpreting destructive test data, such as for Charpy impact energy, be specified. The OPSR is concerned that this type of data could be misinterpreted if the details of the testing (such as position of the "V" notch relative to the weld) are not known and if evaluation of all results is not considered, including percent shear and lateral expansion. Northern Border's response should include a clarification as to the location of the impact specimens and a narrative comparison of all of the test results with those results of the original welding procedure qualification tests.

5. Repair procedures proposed in the petition include a procedure for the grinding out of backweld transverse cracks and a procedure for weld crack repair in environmentally sensitive areas. Neither of these procedures can be considered to conform to API Standard 1104 because the first is not a repair by welding, and the second does not consider requirements for either preheat or radiography of the completed repair. Thus, the waiver being requested goes beyond permitting the repair of weld defects in accordance with API Standard 1104, and neither the requirements of § 192.245(b) with regard to preheat nor the requirements of section 7.0 of API Standard 1104 (although incorporated only by the petition) with regard to radiography would be met by the procedures. Complete justification for not meeting those requirements must be provided and supported by Northern Border. If the two procedures are to be pursued as part of the proposed waiver, Northern Border must address whatever

additional provisions of Part 192 are requested to be waived (e.g., § 192.461(a) because of damage to external coating properties by repair welding heat), and what potential problems will be encountered if they are not waived.

6. OPSR also has requested additional clear, factual support as to the need for the waiver especially with regard to: the projected effect on the construction schedule if waiver is not granted; details of cost impacts; and impact on the environment if the waiver is denied.

7. The pipe specification provided and referenced in the procedures indicated no minimum property values or requirements although Northern Border states that "Results must equal or exceed pipe material specification."

8. It is not certain from reading the procedures whether multiple repair means double repair only, or whether subsequent multiple repairs are contemplated. Nor is it clear whether multiple repair is intended to apply to Appendices "B" through "D" of the Northern Border Specification No. 658, or whether it is applicable only in situations other than described by these appendices. In any case, to justify grant of the waiver, each weld procedure for multiple repair must be qualified by destructive testing and documented for that number of repairs. Each appendix now precludes multiple repair by stating that if the repair described therein is not successful, the "weld shall be cut out as cylinder and a replacement section installed." Implications of this statement in each procedure must be clarified with regard to later multiple repair.

9. Northern Border's procedures must be made consistent with Part 192 welding requirements, API Standard 1104, as applicable, and with each other (including consistency of the details of the narrative of the procedures with the accompanying weld sketches).

10. Conditions under which proposed repair procedures would be used for new construction to repair weld defects must be stated and supporting justification provided by Northern Border.

Contemplated Waiver Action

Subject to a complete response from Northern Border on the supporting data requested, MTB is contemplating granting the Northern Border petition for the following reasons:

1. Experience gained in the granting of previous weld repair waivers supports the belief that it is feasible to make an acceptable repair to a crack in a weld or to make acceptable multiple repairs on a

weld if qualified repair procedures are used to assure the integrity of the weld.

2. Adequate repair procedures will be developed and documented by the Northern Border Pipeline Company which will produce sound, ductile welds when the repairs are completed.

3. Comprehensive tests will have been performed to duplicate the actual repair conditions. The results of these tests will demonstrate that the conditions under which the welds are repaired will provide welds having mechanical properties at least equal to the specified minimum mechanical properties required by the original welding procedure.

4. Field nondestructive testing of the repaired weld will confirm that the completed repair meets the acceptability requirements of § 192.241(c).

5. The Federal Inspector will monitor the repairs and enforce strict adherence to the documented procedures so as to assure sound, ductile weld repairs.

6. Removal of each weld containing the defect by cutout and replacing with a short section of pipe requiring two new girth welds to be made under difficult field conditions would not improve the quality of the weld integrity on the pipeline.

7. The cost of repairing the individual weld defects will be substantially less than the construction cost of replacing entire welds and that the savings will accrue to the consumer.

8. Delays in initiating service and environmental disruptions that may otherwise occur will be avoided.

9. Public safety will be best served by verification that all injurious weld defects have been identified and have been satisfactorily repaired in accordance with the terms and conditions of any waiver issued.

MTB actions under the National Gas Pipeline Safety Act (NGPSA) in regard to the waiver request will be expedited as required by Section 9 of the ANGTA (15 U.S.C. 719g). Actions are constrained, however, by provisions of the NGPSA and the Administrative Procedure Act which require that interested persons be given an opportunity to participate fully in the waiver proceeding. While the 10-day public comment period requested by Northern Border appears to be insufficient to provide this opportunity, MTB is mindful of the need for expeditious construction and initial operation of the pipeline and, therefore, shortened the normal 30-day period for public comment to 15 days. MTB anticipates receiving Northern Border's complete response of supporting data promptly. MTB will expedite action on the waiver petition requested, consistent with assurances to MTB and the public that the completed pipeline will be safe.

Interested persons are invited to comment on the proposed waiver by submitting in triplicate such data, views, or arguments as they may desire. Comments should identify the docket and notice numbers and be submitted to the Dockets Branch, Room 8426, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

All Comments received by April 30, 1982, will be considered before final action is taken. Late filed comments will be considered so far as practicable. All comments will be available for public review at the Dockets Branch of Materials Transportation Bureau between the hours of 8:30 a.m. and 5:00 p.m. No public hearing is contemplated although one may be held at a time and place to be published as a Notice in the

Federal Register if requested by an interested person raising a substantive issue.

(49 U.S.C. 1672; 49 CFR Part 1.53(a), Appendix A of Part 1 and Appendix A of Part 106)

Issued in Washington, D.C., on April 13, 1982.

Melvin A. Judah,

Acting Associated Director for Pipeline Safety Regulation Materials Transportation Bureau.

[FR Doc. 82-10414 Filed 4-14-82; 8:45 am]

BILLING CODE 4910-60-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedures and Hearing Rules, Station Committee on Educational Allowances that on Friday, May 3, 1982 at 10:00 a.m., the Denver Regional Office Station Committee on Educational Allowances shall, in the Adjudication Hearing room, Room B1221 of the Denver Veterans Administration Regional Office, Building 20, Denver Federal Center, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the Colorado College of Medical and Dental Assistants, 445 Grand St., Denver, CO 80203, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of the law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: April 6, 1982.

N. B. Alverson,

Director, VA Regional Office.

[FR Doc. 82-10312 Filed 4-14-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 73

Thursday, April 15, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Wednesday, April 14, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-549-82 Filed 4-13-82; 3:43 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, April 23, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314

[S-549-82 Filed 4-13-82; 3:43 pm]

BILLING CODE 6351-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, April 12, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum re: Amendments to General Travel Regulations (GTR).

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: April 12, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-541-82 Filed 4-13-82; 11:09 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 12, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)).

Dated: April 12, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-542-82 Filed 4-13-82; 11:09 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 19, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of committees and officers:

Minutes of the actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits:

Audit Report re: Interim Audit Report Project Review of the Accounts Receivable Subsystem, dated March 15, 1982.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC

Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 12, 1982.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-543-82 Filed 4-13-82; 11:09 am]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 19, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following item is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Reports of committees and officers:

Report of the Director, Officer of Corporate Audits:

Audit Report re: Report of Investigation—Travel Voucher Irregularities, dated March 15, 1982.

Personnel actions regarding appointments, promotions, administrative pay increases,

reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Request for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 12, 1982.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-544-82 Filed 4-13-82; 11:09 am]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, April 20, 1982 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:
Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, April 22, 1982 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:

Draft AO 1982-7: Wm. G. Phillips, Senior Vice President, D.C. Associates (Solar Energy Industries Political Action Committee) (continued from 4-1-82 meeting)

Draft AO 1982-18: Paul H. Rhoads, Gannett Fleming Corddry and Carpenter, Inc., Federal Political Action Committee

Draft AO 1982-20: George W. Dick, President, Marketing Systems, Inc., (and Time Buying Services, Inc.)

Draft AO 1982-21: Glenn D. Bossmeyer, Treasurer, HUMPAC

Draft AO 1982-23: Michael R. Edelman, Treasurer, Westchester Citizens for Good Government

Draft AO 1982-24: Barbara B. Kerschner, Treasurer, Phillips for Congress Committee

Draft AO 1982-25: Wm. T. Sutphin, Treasurer, Barbara Sigmund for Congress Committee
Appropriations and Budget: Budget Execution Report for March

Routine administrative matters

PERSON TO CONTACT FOR INFORMATION:
Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Lene L. Stafford,

Acting Secretary of the Commission.

[S-547-82 Filed 4-13-82; 3:24 pm]

BILLING CODE 6715-01-M

8

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 15957, Tuesday, April 13, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, April 15, 1982.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Thursday, April 15, 1982.

Revision of the Board's Capital and Stock Ownership Guidelines for Insurance of Accounts

[No. 23, April 13, 1982]

[S-546-82 Filed 4-13-82; 3:05 pm]

BILLING CODE 6720-01-M

9

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., April 21, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

1. Operations of TSI Intermodal.

Portion closed to the public:

1. Docket No. 80-63: West Coast of Italy, Sicilian and Adriatic Ports, North Atlantic Range Ports Conference—Consideration of responses to Order to Show Cause.

CONTACT PERSON FOR MORE

INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-551-82 Filed 4-13-82; 3:59 pm]

BILLING CODE 6730-01-M

10

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 7, 1982.

TIME AND DATE: 10 a.m., Wednesday, April 14, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Old Ben Coal Company, Docket No. LAKE 80-399.

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653-5632.

[S-539-82 Filed 4-13-82; 10:27 am]

BILLING CODE 6735-01-M

11

INTER-AMERICAN FOUNDATION

TIME AND DATE:

6 p.m.-9 p.m., April 26, 1982

9 a.m.-12 p.m., April 27, 1982

PLACE: Board Room, Inter-American Foundation, 1515 Wilson Boulevard, Arlington, VA 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED: April 26, 1982:

1. The Inter-American Foundation in the Dominican Republic
2. Schedule for Board meeting in the Dominican Republic, June 17-20, 1982

April 27, 1982:

1. Chairman's Report
2. President's Report
3. Financial Report for FY 1982

4. Minutes of November 24, 1982 Board meeting

5. Minutes of February 2, 1982 Board meeting

6. Other Business

CONTACT PERSON FOR MORE

INFORMATION: Lawrence E. Bruce, Jr. (703) 841-3812.

[S-548-82 Filed 4-13-82; 3:43 pm]

BILLING CODE 7025-01-M

12

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 2 p.m., Monday, April 12, 1982.

PLACE: Board conference room, sixth floor, 1717 Pennsylvania Avenue, NW., Washington, D.C.

STATUS: Closed to public observation pursuant to 5 U.S.C. 552(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE

INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; Telephone: (202) 254-9430.

Dated, Washington, D.C., April 12, 1982.
National Labor Relations Board.

By direction of the Board.

John C. Truesdale,
Executive Secretary.

[S-540-82 Filed 4-13-82; 10:36 am]

BILLING CODE 7545-01-M

13

PAROLE COMMISSION

Meeting of National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE: 2 p.m., Thursday, April 22, 1982.

PLACE: Room 420-R, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 8 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

[S-545-82 Filed 4-13-82; 2:33 pm]

BILLING CODE 4410-01-M

Federal Register

**Thursday
April 15, 1982**

Part II

Department of Transportation

**Research and Special Programs
Administration**

**Performance-Oriented Packagings
Standards; Advanced Notice of Proposed
Rulemaking**

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 171, 172, 173, and 178**

[Docket No. HM-181, Advance Notice No. 82-3]

Performance-Oriented Packagings Standards

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This publication invites comments on the need for, and possible methods of establishing a set of performance-oriented packaging standards for hazardous materials packaged in containers having a capacity of 450 liters or 400 kilograms, or less, and a reorganization of bulk packaging requirements for hazardous materials. The need for such standards is examined in this advance notice in light of the complexities of the present design standards, and the fact that the United States may soon be out of step with other countries, including Canada, as they adopt performance-oriented packaging standards based on United Nations Recommendations for the Safe Transport of Dangerous Goods. A demonstration of one possible method of applying performance standards to flammable liquids and a possible method for reorganizing bulk packagings are presented in this advance notice.

Besides eliminating more than 90 detailed packaging specifications, MTB anticipates that the volume of the Department's Hazardous Materials Regulations would be reduced by more than 300 pages if it adopts final regulations for all hazardous materials (excluding radioactive materials, explosives and compressed gases) in the format demonstrated in this ANPRM.

DATE: Comments must be received on or before October 1, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Office hours are 8:30 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials

Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2075).

SUPPLEMENTARY INFORMATION:**Background**

The Hazardous Materials Regulations (HMR), issued under authority of the Hazardous Materials Transportation Act, are found in the Code of Federal Regulations (CFR), Title 49, Subchapter C, which is comprised of Parts 171 through 179. Subchapter C occupies approximately one thousand and fifty pages of the CFR. The two largest parts of Subchapter C are Part 173, "SHIPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS," of about three hundred pages, and Part 178, "SHIPPING CONTAINER SPECIFICATIONS," of about four hundred and fifty pages.

Basically, to use the HMR, a shipper locates in the Hazardous Materials Table (49 CFR 172.101) the hazardous material to be shipped. Column 5(b) of the Table refers to the appropriate packaging section of the shipper's requirements (49 CFR Part 173) for that material. Part 173, addressed primarily to shippers, lists the DOT packagings authorized for that material and includes a reference to the appropriate section of Part 178 (Packaging Specifications) where the specification for those packagings are found. Part 178, addressed primarily to container manufacturers, contains detailed construction specifications for a wide variety of packagings.

As new materials with hazardous characteristics have been developed and produced, and as advances in technology have produced new packaging methods, the number of specification packagings has grown until at present they occupy, as previously noted, about four hundred and fifty pages of the CFR. The specification packaging sections of Part 178 cover packagings required for various hazardous materials and range from small polyethylene bottles to cargo tanks. However, the major portion of Part 178 is devoted to specifications for non-bulk packagings, i.e., authorized capacities of 110 gallons or less, and includes approximately 93 specifications for carboys, drums, barrels, boxes, cases, trunks, tubes, bags, and various sorts of containers designed to be enclosed by larger containers. Not included in these 93 specifications are those covering cylinders for compressed gases, and packagings designed solely for radioactive or explosive materials,

none of which is addressed in this proposal.

The detailed packaging specifications must be complied with by persons desiring to either manufacture packagings, or ship hazardous materials in authorized packagings. This includes requirements for: Material, thickness, fastenings, capacity, coatings, openings, joining, carrying devices, and miscellaneous other construction requirements. Much of the information is given in great detail and is repetitious. For example, there are fourteen specifications for wooden boxes. Most specifications list the acceptable types of wood from which lumber must be used to construct the box and this list may be repeated in the next specification for a similar, but slightly different box. In addition to the types of acceptable wood being specified, the thickness and width of the boards, the kind and dimension of nails, and the spacing of the nails in joining the box may also be specified.

In sharp contrast to this system of detailed specifications for container construction, is a system of performance-oriented packaging standards that has been developed in the form of Recommendations by the United Nations Committee of Experts on the Transport of Dangerous Goods (U.N. Recommendations). These standards address the same types of non-bulk containers (drums, barrels, boxes, bags, carboys, and inside containers or receptacles) as do the DOT specifications. Typically, these standards have general requirements for materials, construction, and a maximum size. For example, the UN 1A1 steel drum must have welded seams if it is to be used to carry liquids, must have welded or mechanically seamed chimes, the diameter of the opening may not exceed 7 cm (2.75 inches), and the drum may not exceed 450 liters (118.88 gallons) capacity. There is an additional requirement for rolling hoops if the drum capacity is greater than 60 liters (15.85 gallons). Aside from these very general construction requirements, the strength and integrity of the drum is established by a series of performance tests which the drum must pass before it is authorized for the carriage of hazardous materials; hence the term "performance-oriented" packaging standards. For drums, the principal tests are a drop test, i.e., a drum, filled and prepared as if for shipment, is allowed to free fall on to a level unyielding surface without spilling its contents, and a stacking test. In addition, hydraulic and leakage tests are prescribed if the drum is intended to transport liquids. The height specified

for the drop test in the UN system is determined by the "Packing Group" of the hazardous materials to be transported. The UN system divides hazardous materials into three "Packing Groups" depending on their relative hazards. Packing Group I consists of very dangerous materials, Packing Group II involves materials considered to present a moderate degree of danger, and Packing Group III addresses materials presenting only minor danger. The steel drum, for example, would have to survive a drop from a height of 1.8 meters (5.91 feet) if it were to carry a material in Packing Group I, 1.2 meters (3.94 feet) for Group II, and 0.8 meters (2.62 feet) for Group III materials (if the specific gravity of the hazardous materials to be shipped in the drum does not exceed 1.2). Within the broad general construction requirements given in the performance-oriented standard, the drum manufacturer is free to exercise its design and production ingenuity to produce a packaging which is both cost effective, as determined by the marketplace, and safe, as determined by the performance standards which it must meet.

Purpose of the ANPRM

The Materials Transportation Bureau (MTB) is considering adopting a set of performance-oriented packaging standards based on the U.N. Recommendations. The goals of this effort are: (1) Simplification of the Hazardous Materials Regulations for both bulk and non-bulk shipments; (2) a significant reduction in the volume of the regulations; (3) provision for greater flexibility in the requirements for the design and construction of hazardous materials packaging in order to recognize technological advancements in packaging; (4) the promotion of safety in transport through the use of better packaging; (5) a reduction in the need for exemptions; and, (6) the facilitation of international commerce, including commerce between the United States and Canada.

The simplification of the HMR is the most important goal of this proposal. The existing regulations have their origin in the early efforts of the transportation industry to protect its personnel and equipment from materials with dangerous properties. Some container specifications go back to the early days of this century. The regulations were developed in a piecemeal fashion with recurring adjustments or "fixes" to take care of particular problems. Individuals subject to the HMR have complained that they are so complicated in both content and organization as to be almost unusable

except by someone with extensive training or experience. In addition, the complexity of the HMR may penalize the small businessman, whether shipper or carrier, who has insufficient hazardous materials business to justify employing an expert in the regulations. Industry is not the only place where the complexity of the HMR places a burden. A staff of eight hazardous materials specialists at MTB spend approximately half of their time giving explanations of the HMR either in writing or over the telephone. As already indicated, one of the principal reasons for this Advance Notice of Proposed Rulemaking (ANPRM) is to demonstrate how both shipper requirements and the container specifications can be greatly simplified by the adoption of a set of performance-oriented packaging standards.

Another reason for considering a shift to performance-oriented packaging standards is to provide greater flexibility in the requirements for the design, construction, and use of packagings having capacities of less than 450 liters. The current packaging specifications are very detailed and are not readily adaptable to innovations in packaging technology. Consequently, the use of an improved packaging which does not meet a detailed specification would be prohibited until a specification is amended or an exemption is issued. This imposes a costly burden on both the industry and government with an uncertain benefit in increased safety.

In addition, international trade would be facilitated by removing as an obstacle to trade the selected shipping and packaging requirements of the HMR. Through both law and policy, it has been decided that standards-related activities shall not be a barrier to trade. Title IV of the Trade Agreements Act of 1979 (Public Law 96-39) addressing Technical Barriers to Trade (Standards), states in pertinent part:

No Federal agency may engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States. * * * Each Federal agency, in developing standards, shall take into consideration international standards and shall, if appropriate, base the standards on international standards * * *. Each Federal agency shall, if appropriate, develop standards based on performance criteria, such as those relating to the intended use of a product and the level of performance that the product must achieve under defined conditions, rather than on design criteria, such as those relating to the physical form of the product or the types of material of which the product is made.

Within the next five years, our trading partners in other countries are expected to adopt non-bulk packaging

requirements based on the UN Recommendations. Without a change in DOT's present regulations, non-bulk packages of hazardous materials shipped in conformance with the HMR would probably not be acceptable in those countries, and imported shipments prepared only in accordance with the U.N. Recommendations would not be acceptable here. Since the U.S. has a very favorable balance of trade in chemicals (many of which are hazardous materials), the U.S. may sustain a net loss from any reduction in trade caused by barriers such as non-reciprocal packaging and shipping requirements. In order to avoid such a reduction in trade, DOT will have to adopt the UN system, or maintain two systems—the existing regulations for domestic shipments and a UN based system for international shipments. The second alternative is highly undesirable since it would add to the volume of the HMR and require additional government resources to maintain the two systems.

The final goal of this project, the reorganization of the bulk packaging requirements of the HMR, would represent an attempt to simplify and rationalize those portions of the HMR applying to packagings and packages having a capacity greater than 450 liters.

Organization of the ANPRM

This ANPRM consists of three parts: a revised Hazardous Materials Table, performance-oriented packaging standards, and revised shipper requirements which assign those standards to particular hazardous materials. In other words, the packaging requirements for particular hazardous materials are given in the shipper's requirements (Part 173) by referencing the approved packaging in the Part 178 standards.

The performance-oriented non-bulk packaging standards in this ANPRM would be codified in Part 178 as Subpart L (§ 178.500 to § 178.525). Subpart M of Part 178 (§ 178.600 to § 178.608) would contain the performance tests for non-bulk packagings.

In addition to the performance-oriented packaging standards covering drums, barrels, jerrycans, boxes, bags and composite receptacles, Subpart L would also contain definitions and terms, the alpha-numeric grouping used as identification codes, some general construction requirements, and the requirements for marking non-bulk packagings used in the U.N. system.

The requirements proposed in Subpart L are essentially the same as the general recommendations on packagings found in Chapter 9 of the U.N.

Recommendations. It should be noted that Chapter 9 is currently in the process of being updated by the Committee of Experts, and the provisions contained in this advance notice reflect the majority of the changes proposed to be incorporated into the UN Recommendations as of March 1982. It is envisaged that, should a Notice of Proposed Rulemaking be published, the packaging standards proposed would reflect the most current text of Chapter 9 of the UN Recommendations. In addition, changes are proposed to make the text of the UN Recommendations mandatory ("should" has been changed to "shall") and, where the language is ambiguous or unclear, changes have been made for the sake of clarity.

Not addressed in this ANPRM are packagings used exclusively to transport explosives or radioactive materials, or the specifications for cylinders. Regulations applying to explosives, radioactive materials and compressed gases are undergoing separate reviews.

Part 173 of the HMR assigns packaging requirements, or exceptions from those requirements, for hazardous materials. If, for example, a shipper is interested in ascertaining the packaging requirements for a hazardous material, it is first necessary to find the appropriate proper shipping name in the Hazardous Materials Table (49 CFR 172.101), and then look to column 5 entitled "Packaging." Paragraph references in column 5 are in Part 173, where both the packaging requirements for the particular hazardous material as well as the applicable exceptions, if any, are found.

Because of the many entries in the Hazardous Materials Table (approximately 2700, divided into twenty-two hazard classes), it is not practical in this ANPRM to republish the entire Hazardous Materials Table (§ 172.101) and shipper requirements (Part 173) to reflect the incorporation of the performance-oriented packaging standards. Instead, a sample hazard class, "Flammable liquid," was chosen to demonstrate how the Hazardous Materials Table and the shipping requirements in Part 173 could be rewritten to accommodate the proposed new packaging standards for both bulk and non-bulk packagings.

The flammable liquid hazard class was chosen for this demonstration because it is a complex one, specifying many different packagings for a long list of materials with varying characteristics, and is probably the "worst case" among all of the hazard classes in its difficulty for reconstructing the HMR to accommodate performance-

oriented packaging standards and the revised bulk requirements.

For purposes of demonstration, this ANPRM includes a revised Hazardous Materials Table (§ 172.101) with all entries for the hazard class "Flammable liquid." The columns bear the same headings as the current Hazardous Materials Table. In general, proposed changes have been made only in entries in columns 5(b) (specific packagings requirements) and 6(a) and 6(b) (maximum net quantity in one package for carriage aboard passenger-carrying aircraft or railcar); however, a limited number of descriptions in column (2) would be revised, and two new descriptions would be added.

With two exceptions (mercaptan mixtures and methyl vinyl ketone), references in column 5(a) to "exceptions from specific packaging requirements," which do not refer to specification packaging, were not changed and the existing references to non-specification packaging remain the same. With the exceptions noted above, sections which deal with non-specification packaging are not included in the shipper's requirements of this demonstration because they will not change.

References in column 5(b) (specification packaging), refer to the proposed shipper requirements which in turn refer to the performance-oriented packaging standards for non-bulk packages proposed in Subpart L of Part 178 or bulk packaging requirements in Parts 178 and 179.

Columns 6(a) and 6(b) would contain the maximum quantities of flammable liquids, in liters, permitted aboard passenger-carrying and cargo-only aircraft, respectively. The quantities indicated in this proposal reflect, to the maximum extent possible, quantity limits established in the Technical Instructions for the Safe Transport of Dangerous Goods by Air, published by the International Civil Aviation Organization (ICAO). This would be a change from the existing Hazardous Materials Table.

The proposed sections on shipper requirements (Part 173) of this ANPRM consist essentially of: (1) Five non-bulk packaging methods contained in paragraphs § 173.119 (a) through (e), (2) one general bulk packaging method contained in paragraph § 173.119(f), (3) thirteen specific bulk packaging methods contained in paragraphs § 173.119 (g) through (s), followed by (4) § 173.120 through § 173.129 which specify both bulk and non-bulk requirements for particular hazardous materials. Sections 173.130 through 173.149a would be

deleted and reserved for possible future use.

The general philosophy employed in the development of the five general non-bulk packing methods is that hazardous materials presenting a similar hazard in transport should be packaged in the same manner. For the purposes of the ANPRM, "similar" means materials of the same UN Packing Group. The general criteria applied by the UN Committee in assigning flammable liquids to particular Packing Groups are:

Packing Group I—Boiling point less than or equal to 35°C.

Packing Group II—Boiling point greater than 35°C and flashpoint less than 23°C.

Packing Group III—Boiling point greater than 35°C and flashpoint greater than or equal to 23°C.

However, in this connection, it should be noted that when assigning Packing Groups to specific materials, the UN Committee of Experts may deviate from these general criteria on the basis of actual transportation experience. This general philosophy of like packaging for materials of similar hazard has not been applied consistently in existing DOT's regulations. Numerous instances exist where the packaging for two materials of virtually identical hazard is different, as is the case of ethyl mercaptan and butyl mercaptan. This may result in the shipper being forced to use a less desirable (from the point of view of user preference rather than from inherent safety) packaging, or alternatively, requesting a DOT exemption.

A second, and somewhat related general principle, is incorporated into the proposed non-bulk packing methods. This general principle is that any packing which is considered suitable for the transport of a hazardous material by virtue of the hazards and physical properties of the material should be authorized for the material. This principle also has not been consistently applied in the existing DOT regulations. For example, a fiberboard box with glass or earthenware inner receptacles may be authorized for a particular material whereas a wooden box with glass or earthenware inner receptacles is not. Such omissions cannot be justified on the grounds of safety and are most often the result of the piecemeal fashion in which the regulations have evolved. In general, the packagings authorized in the regulations reflect what industry is currently using. However, as industry practice changes and packaging technology advances, the types of packagings suitable to transport hazardous materials have not been updated appropriately. MTB believes that authorizing all types of packaging

suitable for the transport of particular hazardous materials will vastly increase the flexibility of industry to utilize the most desirable packaging available while, at the same time, eliminating the burden of exemptions on both industry and MTB without adversely affecting safety.

With the exception of transportation by aircraft, the maximum capacities of inner receptacles of combination packagings will no longer be specified. MTB believes that the size of the inner receptacle should no longer be a controlling factor since the entire non-bulk packaging will have to pass the prescribed performance tests. For transportation by aircraft, certain combination packagings would not be authorized and limitations would be prescribed for the capacities of inner receptacles. This would ensure the maximum possible consistency with the corresponding provisions in the ICAO Technical Instructions.

The following is a description of the five no-bulk Packing Methods found in § 173.119. Paragraph (a) of § 173.119 provides packagings authorized for the general class of flammable liquids corresponding to UN Packing Group I. Packages identified in this paragraph must meet Packing Group I performance tests—the most severe.

Paragraph (b) of § 173.119 is also for flammable liquids which fall under UN Packing Group I, but, because of certain incompatibilities or differences in quantities allowed aboard aircraft, they are not included in the general category (173.119(a)) and instead are treated separately. This paragraph contains a table of authorized packagings suitable for particular hazardous materials which are identified by their UN or NA identification number.

Paragraph (c) of § 173.119 like § 173.119(a) is a generalized category of flammable liquids, but in this instance they are less volatile and fall under Packing Group II. The packages for this group of materials need only meet Packing Group II performance tests.

As paragraph (c) of § 173.119 corresponds to § 173.119(a), for Group II materials, so paragraph (d) of § 173.119 corresponds to § 173.119(b), for Group II materials. In other words, § 173.119(d) is for flammable liquids falling under Packing Group II which have specific requirements or restrictions either in the material or design of the packaging, or the quantity allowed aboard aircraft. As in § 173.119(b), § 173.119(d) contains a list of suitable packagings in tabular form with the hazardous materials identified by their identification numbers.

Paragraph (e) of § 173.119 is for flammable liquids even less volatile than the two preceding categories, and classified in the UN system as falling under Packing Group III. There are no special requirements for this group of materials, so they are all able to be accommodated within a single paragraph. Packages specified in this paragraph need only pass the Packing Group III performance test requirements. This paragraph contains several provisions not found in the four preceding paragraphs. The first, in § 173.119(e)(3), provides for the use of maximum net quantity limits per package allowed on aircraft by the ICAO Technical Instructions, provided that packagings tested and marked as meeting Packing Group III performance standards are utilized. Should a shipper elect not to use Packing Group II performance tested packagings, the current DOT exception from specification packaging for materials with a flash point above 23°C (73°F) would be retained and appear in § 173.119(e)(4). However, in such cases the maximum net quantity of 4 liters per packing allowed aboard passenger carrying aircraft, as provided in the existing DOT regulations, would still apply.

Following the five paragraphs on non-bulk packaging (§ 173.119 (a) through (e)) is a single paragraph (§ 173.119(f)) consolidating the general bulk packaging requirements for flammable liquids. Paragraph § 173.119(f) is divided into four subparagraphs covering: (1) Tank cars, (2) cargo tanks, (3) intermodal portable tanks and (4) portable tanks other than intermodal. The remainder of § 173.119 consists of thirteen paragraphs (§ 173.119(g) through (s)) each covering the bulk packaging requirements of either a single material or a class of materials with similar properties (for example the mercaptans). The non-bulk packaging requirements of these thirteen materials or classes are sufficiently non-specific so that they may be covered by the general non-bulk packing methods found in paragraph § 173.119 (a) through (e), but their requirements for bulk shipments are sufficiently unique to require the separate bulk packaging paragraphs.

The remainder of the proposed Part 173 consists of § 173.120 through § 173.129 with each section devoted to particular materials. This is necessary because the unique nature of the material (such as automobiles) or particular hazardous properties (such as ethylene oxide) make it impossible to cover either their bulk or non-bulk shipping requirements under the general paragraphs in § 173.119. However, two

of these sections (§ 173.128 covering mercaptans and § 173.129 covering methyl vinyl ketone) only contain packaging exceptions, and thus general packaging methods would apply.

The rearrangement of the bulk packaging requirements would provide an opportunity for the transfer of operational and maintenance requirements for specific packagings from sections covering individual materials into sections covering operation and maintenance (§§ 173.31, 173.32 and 173.33) where they belong; for example, the dome placard requirements now contained in § 173.119(h) could be moved to § 173.31. This would remove many redundant entries. Although these changes do not appear in this ANPRM they could be included in a future notice if this project proceeds to that stage.

Viewed in its entirety, this ANPRM, proposes: (1) A revised Hazardous Materials Table (§ 172.101) for the "Flammable liquid" hazard class; (2) revised shipper requirements for flammable liquids (Part 173); (3) a new Subpart L to Part 178 containing performance-oriented non-bulk packaging standards based on the UN Recommendations; and, (4) a new Subpart M to Part 178 containing the required performance tests for the packagings specified in Subpart L. For example, column 5(b) of the proposed Hazardous Materials Table refers shippers of flammable liquids to either § 173.119 or to one of the sections in Part 173 dealing with particular flammable liquids. The non-bulk packaging requirements of the vast majority of flammable liquids would be covered by one of the five paragraphs in § 173.119 ((a) or (b) for Group I materials, (c) or (d) for Group II materials, and (e) for Group III materials) while the bulk requirements would be covered in § 173.119(f). The marking requirements and construction standards for the non-bulk packagings referred to in Part 173 are presented in Subpart L of Part 178 (§§ 178.500 through 178.525), and the performance tests that those packagings must meet are given in Subpart M of Part 178 (§§ 178.600 through 178.608).

If the concept set forth in this ANPRM is adopted as a final rule, this proposal would eventually eliminate the following 93 DOT specification packagings: Carboys, jugs in tubs, and rubber drums:

1A, 1D, 1X, 1EX, 1H, 1K, 35, 1M, 34; Inside containers, and linings: 2T, 2C, 2D, 2U, 2E, 2F, 2G, 2TL, 2J, 2K, 2L, 2M, 2N, 2R, 2S, 2SL; Metal barrels, drums, kegs, cases, trunks, and boxes: 5, 5A, 5B, 5C, 5K, 5L, 5M, 5P, 6B, 6C, 6J, 6D, 42B, 42D, 17C, 17E, 17F, 17H, 37K, 37A, 37B, 37P,

37M, 37C, 37D, 13A, 32A, 32B, 32C, 32D, 33A; Wooden barrels, kegs, boxes, kits, and drums: 10B, 14, 15A, 15B, 15C, 15D, 15E, 15X, 15P, 16A, 16B, 16D, 19A, 19B, 18B, 22A, 22B, 22C; Fiberboard boxes, drums, and mailing tubes: 12B, 12C, 12D, 12E, 12A, 12P, 12R, 21C, 21P, 29; and Bags, cloth, burlap, paper or plastic: 36A, 36B, 36C, 44B, 44C, 44D, 44E, 45B, 44P. In addition, MTB estimates that more than 300 pages of text in the Code of Federal Regulations would be eliminated.

It is important to emphasize that the proposed shift to performance-oriented non-bulk packaging does not represent a total change in philosophy from the standards imposed under existing DOT specifications. Although termed "specifications" and heavily oriented toward detailed construction requirements, most of the current DOT packaging standards are, in reality, a combination of construction specifications and performance standards. Many, and perhaps most, of the existing DOT specification non-bulk packaging would successfully pass the performance tests prescribed in this notice and could be marked with the appropriate proposed markings. Therefore, although the required markings on non-bulk packaging would change after a suitable transition period, existing types and designs of packaging could continue to be manufactured and used in the future if considered desirable.

Transition

In order to facilitate changeover from the present DOT specification system to the UN performance-oriented system, a transition period would be specified to allow packaging manufacturers to design, retool, and begin production of the new non-bulk packaging, and to allow packaging manufacturers and shippers to exhaust their existing stock. MTB solicits comments on the length of the transition period which would begin after issuance of a final rule and continue until only performance-oriented non-bulk packaging are permitted.

MTB envisions that, upon publication of a final rule, the DOT packaging specifications listed above would no longer appear in Title 49 even though their new construction and continued use would be authorized throughout the transition period. The performance-oriented non-bulk packaging standards would replace the existing packaging specifications in the CFR.

Likewise, the revised Part 173 would replace the existing shipper requirements. With fewer packaging authorized, Part 173 would also undergo

a significant reduction in the number of pages of the HMR. However, more important than the size of the reduction of the regulations is the fact that with a reduction of a number of authorized non-bulk packaging the shipper requirements will be greatly simplified. This should not only ease the burden on the regulated public in complying with the regulations, it should also reduce the burden on government through an expected decrease in the number of requests for interpretation and exemption received annually.

Industry contribution

The development of this proposed format for the presentation of packaging requirements in Part 173 benefitted greatly from the assistance rendered by a group of industry packaging experts working under the joint auspices of the Chemical Packaging Committee (CPC) of the Packaging Institute and the Chemical Manufacturers Association (CMA). This group developed a series of sample formats for the presentation of the packaging requirements in Part 173 which proved to be of considerable assistance to MTB in the preparation of this ANPRM. Although the format suggested in this document is a compilation of views expressed by both industry and government and intended to be responsive to the needs of both, the views presented by the joint CPC/CMA group were invaluable to MTB. The interest, dedication and foresightedness of this group is clearly recognized and very much appreciated by MTB.

Proposed revisions

In order that interested parties may better understand this proposal and have methodology on which to comment, the ANPRM contains, as a demonstration, the following proposed changes to the HMR:

Section 171.8 would be revised by adding definitions for "bulk" and "non-bulk" packaging.

In § 171.12, paragraph (c) would be revised to provide that hazardous materials being imported into, exported from, or transiting the U.S. may be transported in packaging tested and marked in compliance with the UN Recommendations or equivalent national international regulations of countries outside the U.S., provided the package is otherwise offered, accepted and transported in accordance with the DOT regulations. This means, for example, that a steel drum (1A1) tested and marked in compliance with the UN Recommendations or equivalent international (e.g., IMCO, ICAO, RID, ADR) or national regulations under the

conditions established by the Competent Authority of a foreign country, could be used in the transportation of an import, export, or transiting shipment in the U.S., provided a 1A1 steel drum is authorized in Part 173 for the transport of the particular hazardous material and the shipment is otherwise handled in accordance with the HMR.

The Hazardous Materials Table in § 172.101 would be extracted and amended for the hazard class "Flammable liquid" to reflect performance-oriented non-bulk packaging standards based on the UN Recommendations and revised bulk shipping requirements.

Subpart A (General) of Part 173 is not included for purposes of this demonstration. However, it is anticipated that in the event this ANPRM leads to a Notice of Proposed Rulemaking (NPRM), § 173.6 of Subpart A (Shipment by Air) would be revised to reflect the latest requirements of ICAO.

Subpart B (Preparation of Hazardous Materials for Transportation) of Part 173 would be amended to reflect general requirements in accordance with those contained in Chapter 9 of the UN Recommendations appropriate as shipper responsibilities, and to reflect specific packaging requirements for the flammable liquid hazard class of hazardous materials based on the performance-oriented packaging standards contained in the UN Recommendations and on the Packing Group for the specific materials.

Subpart D (Flammable, Combustible and Pyrophoric Liquids; Definitions and Preparation) of Part 173 would be amended, as a demonstration in this ANPRM, to reflect the packaging requirements and performance-oriented non-bulk packaging standards of the UN Recommendations.

A new Subpart L would be added to Part 178 contained definitions, markings, general packaging requirements and packaging standards for non-bulk packaging based on the U.N. Recommendations.

A new Subpart M would be added to Part 178 containing the performance tests prescribed for the packaging given in Subpart L.

MTB for the purpose of this ANPRM, proposes to amend Part 178 to include both the performance-oriented packaging standards and the required tests for packaging associated with those standards contained in Chapter 9 of the UN Recommendations.

List of Subjects

49 CFR Part 171—Hazardous materials transportation, Imports.

49 CFR Part 172—Hazardous materials transportation, Packaging and containers.

49 CFR Part 173—Hazardous materials transportation, Packaging and containers.

49 CFR Part 178—Hazardous materials transportation, Packaging and containers.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. Section 171.8 would be amended by adding the following definitions in their proper alphabetical sequence:

§ 171.81 Definitions and abbreviations.

"Bulk packaging" means a packaging, including a transport vehicle, (1) having an internal volume greater than 450 liters as a containment unit for a liquid, (2) having a capacity greater than 400 kilograms as a containment unit for a solid, or (3) having a water capacity greater than 455 kilograms as a containment unit for a compressed gas.

"Non-bulk packaging" means a packaging (1) having an internal volume of 450 liters or less as a containment unit for a liquid, or (2) having a capacity of 400 kilograms or less as a containment unit for a solid.

2. In § 171.12, paragraph (c) would be revised to read as follows:

§ 171.12 Import and export shipments.

(c) The requirements of § 171.2 with respect to the manufacture, fabrication, marking or reconditioning of packagings notwithstanding, a nonbulk package of hazardous materials, other than a compressed gas cylinder, being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States may be offered and accepted for transportation and transported within the United States if the packaging identification markings required by Part 178 are, except as provided in this section, durably and clearly displayed and the package is otherwise offered, accepted

and transported in accordance with this subchapter.

(1) The letters "USA" required to be applied by § 178.504(a)(7) may be replaced by the letters designating the Competent Authority, as defined in § 107.3 of this chapter, of a foreign country (as indicated by the distinguishing sign of that country for motor vehicles in international traffic), who authorized application of the markings pursuant to the UN Recommendations, or equivalent national or international regulations.

(2) The name and address or symbol of the person marking the packaging as required by § 178.504(a)(8) may be replaced by other identification on the packaging as prescribed by the Competent Authority referred to in paragraph (c)(1) of this section.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATION REGULATIONS

3. In § 172.101, the Hazardous Materials Table would be revised to read as follows:

§ 172.101 Hazardous materials table

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
					Excep-tions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
E	Acetal	Flammable liquid.	UN1088	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,3	4	
	Acetaldehyde (ethyl aldehyde) (IRQ-1000/454)	Flammable liquid.	UN1089	Flammable liquid	None	173.119(b),(f)	Forbidden	30L	1,3	5	
	Acetone	Flammable liquid.	UN1090	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,3	4	
	Acetone oil	Flammable liquid.	UN1091	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Acetonitrile	Flammable liquid.	NA1648	Flammable liquid	173.118	173.119(c),(f)	1L	60L	1	4	Shade from radiant heat.
E	Acetyl chloride (IRQ-5000/2270)	Flammable liquid.	UN1717	Flammable liquid	173.244	173.119(d),(s)	1L	5L	1	1	Stow away from alcohols. Keep cool and dry. Separate longitudinally by an intervening complete compartment or hold from explosives.
E	Acrolein, inhibited (IRQ-1/0.454)	Flammable liquid.	UN1092	Flammable liquid and Poison.	None	173.119(b),(h)	Forbidden	30L	1,2	5	Keep cool. Stow away from quarters.
E	Acrylonitrile (IRQ-100/45.4)	Flammable liquid.	UN1093	Flammable liquid and Poison.	None	173.119(a),(i)	Forbidden	30L	1,2	5	Keep cool.
	Alcoholic beverage	Flammable liquid.	UN1170	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Alcohol, n.o.s.	Flammable liquid.	UN1987	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Allyl alcohol (IRQ-100/45.4)	Flammable liquid.	UN1098	Flammable liquid and Poison.	None	173.119(a),(f)	Forbidden	30L	1,2	1	
	Allyl bromide	Flammable liquid.	UN1099	Flammable liquid	173.118	173.119(a),(f)	Forbidden	30L	1,2	1	
E	Allyl chloride (IRQ-1000/45.4)	Flammable liquid.	UN1100	Flammable liquid	None	173.119(a),(f)	Forbidden	30L	1,3	5	
	Allyl chlorocarbonate	Flammable liquid.	UN1722	Flammable liquid	None	173.119(a)	Forbidden	2.5L	1	5	Keep dry. Separate longitudinally by an intervening complete hold on compartment from explosives. Segregation same as for corrosive materials.
E	Ammonium sulfide solution (IRQ-5000/2270)	Flammable liquid.	UN2683	Flammable liquid	173.118	173.119(c),(f)	1L	30L	1,2	1,2	

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification No.	Label(s) required (if not excepted)	Excep-tions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves-sel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
E	Amyl Acetate (IRQ-1000/4543).	Flammable liquid.	UN1104	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1,2	
	Amylamine	Flammable liquid.	UN1106	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Amyl chloride	Flammable liquid.	UN1107	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Amylene, [normal]	Flammable liquid.	UN1108	Flammable liquid.	173.118	173.119(a),(f)	1L	30L	1,3	1,3	
	Amyl formate	Flammable liquid.	UN1109	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Amyl mercaptan	Flammable liquid.	UN1111	Flammable liquid.	173.128	173.119(d),(q)	5L	60L	1,2	1	
	Amyl nitrite	Flammable liquid.	UN1113	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,3	4	
	Antifreeze compound, liquid.	Flammable liquid.	NA1142	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Antifreeze preparation, liquid.	Flammable liquid.	NA1142	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Aresenical pesticide, liquid, n.o.s. ([compounds and preparations]).	Flammable liquid.	UN2760	Flammable liquid.	173.118	173.119(c),(f)	1L	60L	1,2	1	
	Asphalt, cut back	Flammable liquid.	NA1999	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Benzene ([benzol]) (IRQ-1000/4543).	Flammable liquid.	UN1114	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Benzine	Flammable liquid.	UN1115	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Benzoic derivative pesticide, liquid, n.o.s. ([compounds and preparations]).	Flammable liquid.	UN2770	Flammable liquid.	173.118	173.119(c),(f)	1L	60L	1,2	1	
	Bipyridilium pesticide, liquid, n.o.s. ([compounds and preparations]).	Flammable liquid.	UN2782	Flammable liquid.	173.118	173.119(c),(f)	1L	60L	1,2	1	
	Box toe gum	Flammable liquid.	UN2059	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Butyl acetate (IRQ-5000/2270).	Flammable liquid.	UN1123	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Butyl alcohol	Flammable liquid.	NA1120	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Butylamine (IRQ-100/4543).	Flammable liquid.	UN1125	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Butyl bromide, [normal]	Flammable liquid.	UN1126	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Butyl chloride	Flammable liquid.	UN1127	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Butyl ether	Flammable liquid.	UN1149	Flammable liquid.	173.118	173.119(c),(f)	60L	220L	1,2	1,2	
	Butyl formate	Flammable liquid.	UN1128	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	n-Butyl isocyanate	Flammable liquid.	UN2485	Flammable liquid and Poison.	None	173.119(d),(f)	1L	60L	1,2	1	
	Butyl mercaptan	Flammable liquid.	UN2347	Flammable liquid.	173.128	173.119(d),(q)	5L	60L	1,3	5	
	Butyraldehyde	Flammable liquid.	UN1129	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Carbamate pesticide, liquid n.o.s. ([compounds and preparations]).	Flammable liquid.	UN2758	Flammable liquid.	173.118	173.119(c),(f)	1L	60L	1,2	1	
E	Carbon bisulfide, [or] Carbon disulfide (IRQ-5000/2270).	Flammable liquid.	UN1131	Flammable liquid.	None	173.119(a),(g)	Forbidden	Forbidden	1	5	Keep cool. Not permitted on any vessel transporting explosives.
	Carbon remover, liquid	Flammable liquid.	UN1132	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Cement, container, linoleum, tile, [or] wallboard, liquid.	Flammable liquid.	NA1133	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Cement, leather	Flammable liquid.	NA1133	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Cement, liquid, n.o.s.	Flammable liquid.	NA1133	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Cement, pyroxylin	Flammable liquid.	NA1133	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Cement, roofing, liquid	Flammable liquid.	NA1133	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Cement, rubber	Flammable liquid.	NA1133	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Chlordane, liquid (IRQ1/0.4543).	Flammable liquid.	NA2762	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Chlorobenzene (IRQ-100/45.43).	Flammable liquid.	UN1134	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1,2	
	Chloroprene, inhibited	Flammable liquid.	UN1991	Flammable liquid.	173.118	173.119(c),(f)	Forbidden	30L	1,2	1	
	2-Chloropropene	Flammable liquid.	UN2456	Flammable liquid.	None	173.119(b),(f)	Forbidden	30L	1,2	5	
	Cigarette lighter (for other similar ignition device).	Flammable liquid.	UN1226	Flammable liquid.	173.21 175.10	173.118(c),(f)	Forbidden	Forbidden	1	1	

(1) +EAW	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3A) Identification No.	(4) Label(s) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
					Excep- tions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Water shipments		
									Cargo ves- sel	Pas- senger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Coal tar distillate.....	Flammable liquid.	UN1136.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Coal tar light oil.....	Flammable liquid.	NA1136.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Coal tar naptha.....	Flammable liquid.	NA2553.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Coal tar oil.....	Flammable liquid.	NA1136.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1,2	
	Coating solution.....	Flammable liquid.	UN1139.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Colloidon.....	Flammable liquid.	NA2059.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Cologne spirits (alcohol).....	Flammable liquid.	NA1170.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Columbian spirits (wood al- cohol).....	Flammable liquid.	NA1230.....	Flammable liquid.....	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Compound, cleaning, liquid.....	Flammable liquid.	NA1993.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Compound, enamel.....	Flammable liquid.	NA1263.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Compound, lacquer, paint, [or] varnish, removing, re- ducing, [or] thinning, liquid.....	Flammable liquid.	NA1142.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Compound, polishing, liquid.....	Flammable liquid.	NA1142.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Compound, tree [or] weed killing, liquid.....	Flammable liquid.	NA1993.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Compound, vulcanizing, liquid.....	Flammable liquid.	NA1142.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Copper, based pesticide, liquid, n.o.s. (compounds and preparations).....	Flammable liquid.	UN2776.....	Flammable liquid.....	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Cosmetics, n.o.s.....	Flammable liquid.	NA1993.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
E	Crotonaldehyde (LRQ100/ 45.411).....	Flammable liquid.	UN1143.....	Flammable liquid and Poison.....	None	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Crotonylene.....	Flammable liquid.	UN1144.....	Flammable liquid.....	173.118	173.119(c),(f)	1L.....	30L.....	1,3	4	
	Crude oil, petroleum.....	Flammable liquid.	UN1267.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
E	Cyclohexane (LRQ-1000/ 454).....	Flammable liquid.	UN1145.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	
	Cyclohexylamine.....	Flammable liquid.	UN2357.....	Flammable liquid.....	173.118	173.119(c),(f)	1L.....	30L.....	1,2	1	
	Cyclopentane.....	Flammable liquid.	UN1146.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	
	Cyclopentane, methyl.....	Flammable liquid.	UN2298.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	
	Denatured alcohol.....	Flammable liquid.	NA1986.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Diacetone alcohol.....	Flammable liquid.	UN1148.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Dacetyl.....	Flammable liquid.	UN2346.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Dichlorobutene.....	Flammable liquid.	NA2924.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Dichloroethylene.....	Flammable liquid.	UN1150.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Dichloropentane.....	Flammable liquid.	UN1152.....	Flammable liquid.....	173.118	173.119(e),(f)	5L.....	60L.....	1,2	1,2	
E	Dichloropropene (LRQ- 5000/2270).....	Flammable liquid.	UN2047.....	Flammable liquid.....	173.118	173.119(e),(f)	5L.....	60L.....	1,2	1	
	Dichloropropene and propy- lene dichloride mixture.....	Flammable liquid.	NA2047.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
E	Diethylamine (LRQ-1000/ 454).....	Flammable liquid.	UN1154.....	Flammable liquid.....	173.118	173.119(d),(f)	Forbidden	60L.....	1,3	4	
	Diethyl dichlorosilane.....	Flammable liquid.	UN1767.....	Flammable liquid.....	None	173.119(c),(k)	Forbidden	30L.....	1	1	Keep dry. Segregation same as for corrosives.
	Diethyl ketone.....	Flammable liquid.	UN1156.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Dihydropyran.....	Flammable liquid.	UN2376.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	4	
	Diisopropylamine.....	Flammable liquid.	UN1158.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Diisopropyl ether.....	Flammable liquid.	UN1159.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	
E	Dimethylamine, aqueous so- lution (LRQ-1000/454).....	Flammable liquid.	UN1160.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	2,3-Dimethylbutane.....	Flammable liquid.	UN2457.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	
	Dimethyl carbonate.....	Flammable liquid.	UN1161.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	1,4-Dimethylcyclohexane.....	Flammable liquid.	UN2263.....	Flammable liquid.....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification No.	Label(s) required (if not excepted)	Excep-tions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves-sel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Dimethyldichlorosilane	Flammable liquid.	UN1162	Flammable liquid.	None	173.119(c),(k)	Forbidden	2.5L	1,2	1	
	Dimethylhydrazine, unsym-metrical (UDMH)	Flammable liquid.	UN1163	Flammable liquid and Poison.	None	173.119(b),(n)	Forbidden	2.5L	1,2	1	Keep dry. Separate from corrosive and oxidizing materials, and organic peroxides.
	Dimethyl sulfide	Flammable liquid.	UN1164	Flammable liquid.	None	173.119(a),(f)	Forbidden	30L	1,2	5	
	Dioxane	Flammable liquid.	UN1165	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Dioxolane	Flammable liquid.	UN1166	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Dithiocarbamate pesticide, liquid, n.o.s. (Compounds and preparations)	Flammable liquid.	UN2772	Flammable liquid.	173.118	173.119(c),(f)	1L	60L	1,2	1	
	Divinyl ether	Flammable liquid.	UN1167	Flammable liquid.	None	173.119(d),(f)	Forbidden	60L	1,3	5	
	Dressing, leather	Flammable liquid.	NA1142	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Drugs, n.o.s.	Flammable liquid.	NA1993	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Epichlorohydrin (IQC-1000/454)	Flammable liquid.	UN2023	Flammable liquid.	173.118	173.119(e),(f)	5L	60L	1,2	1,2	
	Eradicator, paint [or] grease, liquid.	Flammable liquid.	UN1850	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl acetate	Flammable liquid.	UN1173	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl acrylate, inhibited	Flammable liquid.	UN1917	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl alcohol	Flammable liquid.	UN1170	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Ethyl benzene (IQC-1000/454)	Flammable liquid.	UN1175	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl borate	Flammable liquid.	UN1176	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	Keep dry.
	Ethyl butyl ether	Flammable liquid.	UN1179	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl butyraldehyde	Flammable liquid.	UN1178	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl butyrate	Flammable liquid.	UN1180	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1,2	
	Ethyl chloride	Flammable liquid.	UN1037	Flammable liquid.	None	173.123	Forbidden	See 173.123	1,2	1	Segregation same as for flammable gases.
	Ethyl chloroformate (chloro-carbonate)	Flammable liquid.	UN1182	Flammable liquid and Poison.	None	173.119(b),(r)	Forbidden	2.5L	1,2	1	
	Ethyl crotonate	Flammable liquid.	UN1862	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl dichlorosilane	Flammable liquid.	UN1183	Flammable liquid.	None	173.119(a),(k)	Forbidden	1L	1,2	1	
E	Ethylene dichloride (IQC-22703)	Flammable liquid.	UN1184	Flammable liquid.	173.118	173.119(c),(f)	1L	60L	1,2	1	
	Ethylene imine, inhibited	Flammable liquid.	UN1185	Flammable liquid.	None	173.119(b),(l)	Forbidden	Forbidden	1,2	1	
	Ethylene oxide	Flammable liquid.	UN1040	Flammable liquid.	None	173.124	Forbidden	Forbidden	1,2	1	Segregation same as for flammable gases.
	Ethyl ether	Flammable liquid.	UN1155	Flammable liquid.	None	173.119(a),(f)	Forbidden	30L	1,3	5	
	Ethyl formate	Flammable liquid.	UN1190	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,3	4	
	Ethyl mercaptan	Flammable liquid.	UN2363	Flammable liquid.	173.128	173.119(c),(q)	Forbidden	60L	1,2	1	
	Ethyl methyl ether	Flammable liquid.	UN1039	Flammable liquid.	None	173.119(a),(f)	Forbidden	30L	1,3	1	Segregation same as for flammable gases.
	Ethyl methyl ketone	Flammable liquid.	UN1193.118	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl nitrate (nitric ether)	Flammable liquid.	NA1993	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl nitrite (nitrous ether)	Flammable liquid.	UN1194	Flammable liquid.	None	173.119(a),(f)	Forbidden	Forbidden	1,3	5	
	Ethyl propionate	Flammable liquid.	UN1195	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Ethyl trichlorosilane	Flammable liquid.	UN1196	Flammable liquid.	None	173.119(b),(k)	Forbidden	2.5L	1,2	1	
	Extract, liquid, flavoring	Flammable liquid.	UN1197	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Flammable liquid, corrosive, n.o.s. [boiling point 35°C or less]	Flammable liquid.	UN2924	Flammable liquid and Corrosive.	None	173.119(a),(f)	0.5L	2.5L	1,2	1	
	Flammable liquid, n.o.s. [boiling point 35°C or less]	Flammable liquid.	UN1993	Flammable liquid.	None	173.119(a),(f)	1L	30L	1,2	1	
	Flammable liquid, poisonous, n.o.s. [boiling point 35°C or less]	Flammable liquid.	UN1992	Flammable liquid and Poison.	None	173.119(a),(f)	Forbidden	30L	1,2	1	
	Fuel, aviation, turbine engine	Flammable liquid.	UN1863	Flammable liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	

(1) +EAW	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3A) Identifica- tion No.	(4) Label(s) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
					Excep- tions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves- sel	Pas- senger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Furan.....	Flammable liquid.	UN2389.....	Flammable Liquid..	173.118	173.119(a),(f)	1L.....	30L.....	1,2	1	
	Gas drips; hydrocarbon.....	Flammable liquid.	UN1864.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Gasoline ([including cas- singhead and natural]).	Flammable liquid.	UN1203.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	4	
	Heater for refrigerator car, liquid fuel type ([contain- ing fuel]).	Flammable liquid.	NA1993.....	Flammable Liquid..	173.120		Forbidden	Forbidden	1,2	1	
	Heptane.....	Flammable liquid.	UN1206.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Hexadiene.....	Flammable liquid.	UN2458.....	Flammable Liquid..	None	173.119(c),(f)	Forbidden	60L.....	1,2	5	
	Hexaldehyde.....	Flammable liquid.	UN1207.....	Flammable Liquid..	173.118	173.119(c),(f)	60L.....	220L.....	1,2	1,2	
	Hexane.....	Flammable liquid.	UN1208.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	
	Hydrazine, anhydrous.....	Flammable liquid.	UN2029.....	Flammable Liquid..	None	173.121	Forbidden	2.5L.....	1	5	Segregation same as for corrosives.
	Ink.....	Flammable liquid.	UN1210.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Insecticide, liquid, n.o.s.....	Flammable liquid.	NA1993.....	Flammable Liquid..	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Isobutyl acetate ([RQ-5000/ 2270]).	Flammable liquid.	UN1213.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Isobutylamine ([RQ-1000/ 454]).	Flammable liquid.	UN1214.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Isocetene.....	Flammable liquid.	UN1262.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Isocetene.....	Flammable liquid.	UN1216.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	
	Isopentane.....	Flammable liquid.	UN1265.....	Flammable Liquid..	173.118	173.119(a),(f)	Forbidden	30L.....	1,3	4	
	Isoprene ([RQ-1000/454]).	Flammable liquid.	UN1218.....	Flammable Liquid..	173.118	173.119(a),(f)	Forbidden	30L.....	1,3	4	
	Isopropanol.....	Flammable liquid.	UN1219.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Isopropyl acetate.....	Flammable liquid.	UN1220.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Isopropylamine.....	Flammable liquid.	UN1221.....	Flammable Liquid..	None	173.119(a),(f)	Forbidden	30L.....	1,3	5	
	Isopropyl mercaptan.....	Flammable liquid.	UN2703.....	Flammable Liquid..	173.128	173.119(c),(q)	5L.....	60L.....	1,3	5	
	Isopropyl nitrate.....	Flammable liquid.	UN1222.....	Flammable Liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Lacquer base [or] Lacquer chips, plastic (fwt with alcohol or solvent).	Flammable liquid.	UN1263.....	Flammable liquid..	173.118	173.119(c),(p)	5L.....	60L.....	1,2	1	
	Leather bleach [or] dress- ing.	Flammable liquid.	NA1142.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Lighter fluid.....	Flammable liquid.	UN1226.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Lithium aluminum hydride, ethereal.	Flammable liquid.	UN1411.....	Flammable liquid..	None	173.119(c)	Forbidden	1L.....	1	5	Segregation same as for flammable solids labeled Dangerous When Wet.
	Medicines, n.o.s.....	Flammable liquid.	UN1851.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Mercaptan mixture, aliphatic.....	Flammable liquid.	NA1228.....	Flammable liquid..	173.128	173.119(d),(q)	Forbidden	60L.....	1,3	5	
	Mercury based pesticide, liquid n.o.s. ([compounds and preparations]).	Flammable liquid.	UN2778.....	Flammable liquid..	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Mesityl oxide.....	Flammable liquid.	UN1229.....	Flammable liquid..	None	173.119(c),(f)	5L.....	60L.....	1,2	1,2	
	Metal alkyl, solution, n.o.s.....	Flammable liquid.	NA9195.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Methyl acetate.....	Flammable liquid.	UN1231.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Methyl acetone.....	Flammable liquid.	UN1232.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Methyl acrylate, inhibited.....	Flammable liquid.	UN1819.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Methylal.....	Flammable liquid.	UN1234.....	Flammable liquid..	None	173.119(c),(f)	Forbidden	60L.....	1,3	5	
	Methyl alcohol.....	Flammable liquid.	UN1230.....	Flammable liquid..	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Methylamine, aqueous solu- tion ([RQ-1000/454]).	Flammable liquid.	UN1235.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	Slow away from mercury and its compounds.
	Methylamyl acetate.....	Flammable liquid.	UN1233.....	Flammable liquid..	173.118	173.119(e),(f)	60L.....	220L.....	1,2	1,2	
	Methyl butene.....	Flammable liquid.	UN2460.....	Flammable liquid..	None	173.119(c),(f)	5L.....	60L.....	1,2	5	
	Methyl butyrate.....	Flammable liquid.	UN1237.....	Flammable liquid..	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Methyl chloroformate.....	Flammable liquid.	UN1238.....	Flammable liquid and Poison.	None	173.119(b),(f)	Forbidden	2.5L.....	1,2	1	

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification No.	Label(s) required (if not excepted)	Excep-tions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves-sel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Methylchloromethyl ether, anhydrous.	Flammable liquid.	UN1239	Flammable liquid and Poison.	None	173.119(c)	Forbidden	Forbidden	1	5	Shade from radiant heat.
	Methylcyclohexane	Flammable liquid.	UN2296	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Methylcyclopentane	Flammable liquid.	UN2298	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,3	4	
	Methyl dichlorosilane	Flammable liquid.	UN1242	Flammable liquid	None	173.119(a),(k)	Forbidden	1L	1,2	1	
	Methyl ethyl ketone	Flammable liquid.	UN1193	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Methyl formate	Flammable liquid.	UN1243	Flammable liquid	173.118	173.119(a),(f)	Forbidden	30L	1,3	4	
	Methylfuran	Flammable liquid.	UN2301	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,3	4	
	Methylhydrazine	Flammable liquid.	UN1244	Flammable liquid and Poison.	None	173.119(b),(m)	Forbidden	2.5L	1,2	1	Stow separate from oxidizing materials and corrosives.
	Methyl isopropenyl ketone, inhibited.	Flammable liquid.	UN1246	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Methyl magnesium bromide in ethyl ether [not over 40% concentration].	Flammable liquid.	UN1928	Flammable liquid	None	173.122	Forbidden	Forbidden	1	1	Segregation same as for flammable solids. Separate from flammable gases or liquids, oxidizing materials or organic peroxides.
E	Methyl methacrylate monomer, inhibited (IRQ-5000/2270)).	Flammable liquid.	UN 1247	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Methyl methacrylate monomer, uninhibited (high-purity, if acceptable under 173.21 of this subchapter) (IRQ-5000/2270)).	Flammable liquid.	NA1247	Flammable liquid	173.118	173.119(c),(f)	Forbidden	Forbidden	1,2	1	
	Methylpentadiene	Flammable liquid.	UN2461	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Methyl pentane	Flammable liquid.	UN2462	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Methyl propionate	Flammable liquid.	UN1248	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Methyl propyl ketone	Flammable liquid.	UN1249	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Methyltrichlorosilane	Flammable liquid.	UN1250	Flammable liquid	None	173.119(b),(k)	Forbidden	2.5L	1,2	1	
	Methyl vinyl ketone, inhibited	Flammable liquid.	UN1251	Flammable liquid	173.129	173.119(c),(f)	5L	60L	1,2	1	
E	Monoethylamine (IRQ-1000/454)).	Flammable liquid.	UN1036	Flammable liquid	None	173.119(a),(o)	Forbidden	62.5L	1,2	5	Segregation same as for flammable gas.
	Morpholine	Flammable liquid.	UN2054	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Morpholine, aqueous mixture	Flammable liquid.	NA2054	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Mortar stain, liquid	Flammable liquid.	UN1263	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Motor fuel, n.o.s.	Flammable liquid.	NA1203	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Naphtha	Flammable liquid.	UN2553	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Naphtha distillate	Flammable liquid.	NA1268	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Naphtha, solvent	Flammable liquid.	UN1256	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Neohexane	Flammable liquid.	UN1208	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,3	4	
	Nickel carbonyl	Flammable liquid.	UN1259	Flammable liquid	None	173.126	Forbidden	Forbidden	1	5	Not permitted on a vessel carrying explosives. Shade from radiant heat. Segregation same as for flammable liquids.
	Nitrocellulose, colloided, granular [or] flake, wet with not less than 20% alcohol [or] block, wet with not less than 25% alcohol.	Flammable liquid.	NA2059	Flammable liquid	173.118	173.119(c),(p)	5L	60L	1,3	1	
	Nitrocellulose, wet with not less than 30% alcohol [or] solvent.	Flammable liquid.	NA2556	Flammable liquid	173.118	173.119(c),(p)	5L	60L	1,3	1	
	Nitromethane	Flammable liquid.	UN1261	Flammable liquid	173.118	173.119(e)	Forbidden	60L	1,2	1,2	
	Nitrostarch, wet with not less than 30% alcohol [or] solvent.	Flammable liquid.	NA1337	Flammable liquid	173.118	173.119(c),(p)	Forbidden	Forbidden	1,2	1	
	Octane	Flammable liquid.	UN1262	Flammable liquid	173.118	173.119(c),(f)	5L	60L	1,2	1	

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					Excep- tions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves- sel	Pas- senger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Oil, [described as oil], Oil, n.o.s., Petroleum oil, [or] petroleum oil, n.o.s.	Flammable liquid.	NA1270.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Organic peroxide, liquid [or] solution, n.o.s.	Flammable liquid.	NA1993.....	Flammable liquid....	None	173.119(c)	Forbidden.....	1L.....	1,2		5 Stow separate from combus- tible materials, explosives or acids.
	Organochlorine pesticide, liquid, n.o.s. ([compounds and preparations]).	Flammable liquid.	UN2762.....	Flammable liquid....	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Organophosphorus pesti- cide, liquid, n.o.s. ([com- pounds and preparations]).	Flammable liquid.	UN2784.....	Flammable liquid....	None	173.119(c),(f)	1L.....	60L.....	1,2	5	
	Organotin pesticide, liquid, n.o.s. ([compounds and preparations]).	Flammable liquid.	UN2787.....	Flammable liquid....	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Paint drier, liquid.....	Flammable liquid.	UN1168.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Paint, Enamel, Lacquer, Stain, Shellac [or] Var- nish; Aluminum, Bronze, Gold, Wood filler, liquid [or] Lacquer base, liquid.	Flammable liquid.	UN1263.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Paraldehyde.....	Flammable liquid.	UN1264.....	Flammable liquid....	173.118	173.119(e),(f)	60L.....	220L.....	1,2	1	
	Pentaborane.....	Flammable liquid.	UN1380.....	Flammable liquid and Poison.	None	173.127	Forbidden.....	Forbidden.....	1	5	Segregation same as for flammable solids. Sepa- rate from flammable gases or liquids, oxidizing materials, or organic per- oxides.
	Pentane.....	Flammable liquid.	UN1265.....	Flammable liquid....	173.118	173.119(a),(f)	Forbidden.....	30L.....	1,3	4	
	Petroleum distillate.....	Flammable liquid.	UN1268.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	
	Petroleum ether.....	Flammable liquid.	UN1271.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,3	4	
	Petroleum naphtha.....	Flammable liquid.	UN1255.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Phenoxy pesticide, liquid, n.o.s. ([compounds and preparations]).	Flammable liquid.	UN2768.....	Flammable liquid....	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Phenylurea pesticide, liquid, n.o.s. ([compounds and preparations]).	Flammable liquid.	UN2768.....	Flammable liquid....	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Phthalimide derivative pesti- cide, liquid, n.o.s. ([com- pounds and preparations]).	Flammable liquid.	UN2774.....	Flammable liquid....	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Pinene.....	Flammable liquid.	UN2368.....	Flammable liquid....	173.118	173.119(e),(f)	60L.....	220L.....	1,2	1	
	Plastic solvent, n.o.s.....	Flammable liquid.	NA1993.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Polish, metal, stove, furni- ture [or] wood, liquid.	Flammable liquid.	NA1142.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Propargyl alcohol.....	Flammable liquid.	NA1986.....	Flammable liquid and Poison.	None	173.119(c),(f)	Forbidden.....	30L.....	1,2	5	
	Propionaldehyde.....	Flammable liquid.	UN1275.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Propyl acetate.....	Flammable liquid.	UN1276.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Propyl alcohol.....	Flammable liquid.	UN1274.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1,2	
	Propylamine.....	Flammable liquid.	UN1277.....	Flammable liquid....	None	173.119(d),(f)	Forbidden.....	60L.....	1,3	5	
	Propyl chloride.....	Flammable liquid.	UN1278.....	Flammable liquid....	None	173.119(d),(f)	Forbidden.....	60L.....	1,3	5	
	Propylenediamine.....	Flammable liquid.	UN2258.....	Flammable liquid....	173.118	173.119(c),(f)	1L.....	30L.....	1,2	1	
	Propylene dichloride (ERQ- 5000/2270J).	Flammable liquid.	UN1279.....	Flammable liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Propyleneimine, inhibited.....	Flammable Liquid.	UN1921.....	Flammable Liquid....	None	173.119(b)	Forbidden.....	30L.....	1,2	1	
	Propylene oxide (ERQ- 5000/2270J).	Flammable Liquid.	UN1280.....	Flammable Liquid....	173.118	173.119(b),(j)	Forbidden.....	30L.....	1,3	4	
	Propyl formate.....	Flammable Liquid.	UN1281.....	Flammable Liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	
	Propyl mercaptan.....	Flammable Liquid.	UN2704.....	Flammable Liquid....	173.128	173.119(c),(q)	5L.....	60L.....	1,2	5	
	Pyridine.....	Flammable Liquid.	UN1282.....	Flammable Liquid....	173.118	173.119(c),(f)	1L.....	60L.....	1,2	1	
	Pyrophoric liquid, n.o.s. [or] Pyrophoric liquid, n.o.s.	Flammable Liquid.	UN2845.....	Flammable Liquid....	None	173.122	Forbidden.....	Forbidden.....	1	5	Shade from radiant heat Separate from flammable gases or liquids, oxidizing materials, or organic per- oxides.
	Pyroxylin solution.....	Flammable Liquid.	NA2059.....	Flammable Liquid....	173.118	173.119(c),(f)	5L.....	60L.....	1,2	1	

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
					Excep- tions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves- sel	Pass- enger vessel	Other requirements
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identifica- tion No.	Label(s) required (if not excepted)	(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Pyroxylin solvent, n.o.s.	Flammable Liquid.	NA2059	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Pyrrolidine	Flammable Liquid.	UN1922	Flammable Liquid.	173.118	173.119(c),(f)	Forbidden	60L	1,2	1	
	Refrigerating machine	Flammable Liquid.	NA1993	Flammable Liquid.	173.125		No limit	No limit	1,2	1	
	Resin solution ([resin compound, liquid])	Flammable Liquid.	UN1866	Flammable Liquid.	173.306	173.119(c),(f)	5L	60L	1,2	1	
	Rum, denatured	Flammable Liquid.	NA1986	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Sodium methylate, alcohol mixture (IRQ-1000/4543)	Flammable Liquid.	NA1289	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Solvent, n.o.s.	Flammable Liquid.	NA1993	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Spirits of nitroglycerin, ([1 to 10%])	Flammable Liquid.	NA2410	Flammable Liquid.	None	173.119(d)	Forbidden	Forbidden	1,2	5	Segregation same as for explosives.
	Spirits of nitroglycerin, not exceeding 1% nitroglycerin by weight	Flammable Liquid.	NA2410	Flammable Liquid.	173.118	173.119(d)	5L	60L	1,2	1	
E	Styrene monomer, inhibited (IRQ-1000/4543)	Flammable Liquid.	UN2055	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1,2	
	Substituted nitrophenol pesticide, liquid, n.o.s. ([compounds and preparations])	Flammable Liquid.	UN2780	Flammable Liquid.	173.118	173.119(c),(f)	1L	60L	1,2	1	
	Tar, liquid	Flammable Liquid.	UN1999	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Tetrahydrofuran	Flammable Liquid.	UN2056	Flammable Liquid.	None	173.119(c),(f)	Forbidden	60L	1,3	5	
E	Toluene ([toluol]) (IRQ-1000/4543)	Flammable Liquid.	UN1294	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Triazine pesticide, liquid, n.o.s. ([compounds and preparations])	Flammable Liquid.	UN2764	Flammable Liquid.	173.118	173.119(c),(f)	1L	60L	1,2	1	
	Trichlorosilane	Flammable Liquid.	UN1295	Flammable Liquid.	None	173.119(a),(f)	Forbidden	Forbidden	1	5	Segregation same as for flammable solids labeled Dangerous When Wet.
E	Triethylamine (IRQ-5000/22701)	Flammable Liquid.	UN1296	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Trimethylamine, aqueous solution (IRQ-1000/4543)	Flammable Liquid.	UN1297	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	Stow away from mercury and mercury compounds.
	Trimethylchlorosilane	Flammable Liquid.	UN1298	Flammable Liquid.	None	173.119(b),(k)	Forbidden	2.5L	1,2	1	
	Turpentine	Flammable Liquid.	UN1299	Flammable Liquid.	173.118	173.119(e),(f)	60L	220L	1,2	1,2	
	Turpentine substitute	Flammable Liquid.	UN1300	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
E	Vinyl acetate (IRQ-1000/4543)	Flammable Liquid.	UN1301	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Vinyl ethyl ether, inhibited	Flammable Liquid.	UN1302	Flammable Liquid.	None	173.119(b),(f)	5L	60L	1,3	5	
E	Vinylidene chloride, inhibited (IRQ-5000/22701)	Flammable Liquid.	UN1303	Flammable Liquid.	173.118	173.119(a),(f)	1L	30L	1,3	4	
	Vinyl isobutyl ether	Flammable Liquid.	UN1304	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Vinyl trichlorosilane	Flammable Liquid.	UN1305	Flammable Liquid.	None	173.119(b),(f)	Forbidden	2.5L	1,2	1	
E	Xylene (xylol) (IRQ-1000/4543)	Flammable Liquid.	UN1307	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Zirconium, metal, liquid, suspensions.	Flammable Liquid.	UN1308	Flammable Liquid.	None	173.119(c)	Forbidden	60L	1	5	
	Flammable liquid, corrosive, n.o.s., ([boiling point above 35°C])	Flammable Liquid.	UN2924	Flammable Liquid and corrosive.	None	173.119(c),(f)	1L	5L	1,2	1	
	Flammable liquid, n.o.s., ([boiling point above 35°C])	Flammable Liquid.	UN1993	Flammable Liquid.	173.118	173.119(c),(f)	5L	60L	1,2	1	
	Flammable liquid, poisonous, n.o.s., ([boiling point above 35°C])	Flammable Liquid.	UN1992	Flammable Liquid and Poison.	None	173.119(c),(f)	1L	60L	1,2	1	

PART 173—SHIPPERS-GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

4. Section 173.24 would be revised to read as follows:

§ 173.24 Standard requirements for packagings and packages.

(a) A packaging containing a hazardous material may not be offered

for transportation unless it is designed, constructed, and its contents so limited that, under normal conditions of transportation—

(1) There will be no release for the hazardous material to the environment, and

(2) The effectiveness of the packaging will not be reduced by—

(i) Ambient temperatures and changes in temperature,

(ii) Humidity,

(iii) Exposure to sunlight,

(iv) The vapor pressure of the hazardous material, and

(v) Chemical action (including corrosion and embrittlement) of the hazardous material.

(b) A package containing a hazardous material may not be offered for transportation unless—

(1) When required by this subchapter, the packaging conforms to a standard or specification in Part 178 of this subchapter required for the hazardous material,

(2) For a non-bulk package containing a liquid or a liquefied compressed gas, sufficient ullage (outage) is provided so that the packaging would not be liquid full at or below 55°C (131°F),

(3) Inner packagings are secured against movement within the package and so as to prevent damage to other inner packagings,

(4) Closures are securely in place and will not partially or completely open during transportation, and

(5) The exterior of the package is free of a hazardous quantity of the hazardous material.

(c) A hazardous material may not be placed in a packaging and subsequently offered for transportation if that packaging—

(1) Contains any material (including water) that will react dangerously with the hazardous material or reduce the effectiveness of the packaging when combined with the hazardous material; or

(2) Is marked NRC as required by Part 178 of this subchapter.

(d) Paragraph (c)(2) does not apply to a packaging for a hazardous waste if—

(1) The waste is packaged in accordance with this Part and offered for transportation in accordance with the requirements of this subchapter,

(2) Transportation is performed by highway only,

(3) The package is not offered for transportation less than 24 hours after it is finally closed for transportation, and is inspected for leakage immediately prior to being offered for transportation,

(4) The package is loaded by the shipper and unloaded by the consignee, unless the motor carrier is a private or contract carrier, and

(5) The packaging is used only once under this provision of this subparagraph.

(e) A non-bulk packaging (other than a cylinder) may not be reused for the transportation of any hazardous material unless—

(1) Its use is authorized, or not prohibited, by this subchapter;

(2) It is in such condition, or is so reconditioned, that it conforms to all applicable requirements of this subchapter including the standards and specifications in Part 178 of this subchapter;

(3) It has been subjected to, and has successfully passed, all tests required of

it by Part 178 of this subchapter other than destructive tests;

(4) When pressure tested, it does not contain any material, such as the residue of the material it previously contained, that would render the test invalid (e.g., by blockage of leaks);

(5) It is marked as required by Part 178 of this subchapter; and

(6) It is free of any—

(i) Hazardous absorbed contaminant such as a liquid explosive or a poisonous material,

(ii) Poisonous residue if it is to be reused for a different material, and

(iii) Residue that will react dangerously with the hazardous material.

§ 173.28 [Removed]

5. Section 173.28 would be removed and reserved.

6. Section 173.119 would be revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) When § 172.101 of this subchapter specifies that a flammable liquid be packaged under this paragraph, only non-bulk packagings prescribed in this paragraph may be used for its transportation. Each packaging must be marked under, and conform to, the regulations of Part 178 of this subchapter, at the Packing Group I performance level.

(1) Except for transportation by aircraft, combination packagings having inner receptacles of glass, porcelain, stoneware, earthenware, plastic or metal placed in any of the following outer packagings:

Wooden box—4C
Plywood box—4D
Fiberboard box—4G
Expanded plastic box—4H
Reconstituted wood box—4F
Steel drum—1A2, 1A4
Plywood drum—1D
Fiber drum—1G1, 1G2, 1G3
Aluminum drum—1B2
Plastic drum—1H2

(2) Except for transportation by aircraft, the following single unit packagings:

Steel drum—1A1
Aluminum drum—1B1
Steel jerrican—3A1
Steel drum with plastic liner—6HA1 or
Cylinders, as prescribed for any compressed gas, except for specification 8 and 3HT.

(3) For transportation by aircraft, only the following packagings:

(i) Combination packagings with inner receptacles having a maximum capacity, in liters, no greater than that provided in the following chart (the maximum permissible capacity for inner receptacles for packages offered for transport by cargo only aircraft are shown in parentheses when they exceed the maximum allowable capacity for passenger carrying aircraft):

Outer	Inner	Glass or earthenware IR.1	Plastic IR.2	Metal IR.3	Glass ampoule IR.8
Wooden box.....	4C.....	(L) 0.5(1)	(L) 1(5)	(L) 1(5)	(L) 0.5
Plywood box.....	4D.....	0.5(1)	1(5)	1(5)	0.5
Fiberboard box.....	4G.....	0.5(1)	1(5)	1(5)	0.5
Reconstituted wood box.....	4F.....	0.5(1)	1(5)	1(5)	0.5
Steel drum.....	1A2.....	0.5(1)	1(5)	1(5)	0.5
Aluminum drum.....	1B2.....	0.5(1)	1(5)	1(5)	0.5

(ii) Except for transportation by passenger carrying aircraft, single-unit packagings as specified in paragraph (a)(2) of this section are also authorized.

(b) When § 172.101 of this subchapter specifies that a flammable liquid be packaged under this paragraph, only the non-bulk packagings prescribed in this paragraph may be used for its transportation. Each packaging must be marked under, and conform to, the requirements of Part 178 of this subchapter, at the Packing Group I performance level.

(1) Except for transportation by aircraft and if not prohibited in

paragraph (b)(4) of this section, combination packagings specified in paragraph (a)(1) of this section.

(2) Except for transportation by aircraft and if not prohibited in paragraph (b)(4) of this section, single-unit packagings specified in paragraph (a)(2) of this section.

(3) For transportation by aircraft, only the following packagings authorized are:

(i) Combination packagings with outer packagings specified in paragraph (a)(3)(i) of this section and with inner receptacles having a maximum capacity in liters no greater than that in the following chart:

ID No.	Glass or earthenware IR.1	Plastic IR.2	Metal IR.3	Aluminum IR.3	Glass ampoule IR.8	Notes
UN 1089	(L) 0.5	(L) NA	(L) 2.5	(L) 2.5	(L) 0.5	1
UN 1092	1	NA	1	1	0.5	
UN 1183	1	NA	1	1	0.5	2
UN 1182	0.5	0.5	1	NA	0.5	1, 2, 3
UN 1185	0.5	NA	1	NA	0.5	1
UN 1196	0.5	1	1	NA	0.5	2
UN 1238	0.5	0.5	1	NA	0.5	1, 2, 3
UN 1244	1	NA	1	NA	0.5	
UN 1250	1	2.5	2.5	NA	0.5	2
UN 1280	NA	2	NA	0.5	1	
UN 1298	1	NA	1	NA	0.5	1, 2
UN 1302	1	NA	2.5	2.5	0.5	1
UN 1305	1	NA	1	NA	0.5	2
UN 1921	0.5	NA	1	NA	0.5	1
UN 2029	0.5	0.5	2.5	2.5	0.5	1, 2, 3, 4
UN 2456	0.5	NA	2.5	2.5	0.5	1

Note 1: Glass inner receptacles must be packaged with absorbent material in a sealed metal receptacle before packing in outer packagings.

Note 2: Metal inner receptacle must be constructed of corrosion-resistant steel or steel with protection against corrosion.

Note 3: Plastic inner receptacles must be packaged in sealed metal receptacle before packing in outer container.

Note 4: Aluminum inner receptacle must be constructed of pure aluminum or aluminum alloys resistant to corrosion.

Note 5: The letters "NA" mean that the particular inner receptacle is not authorized.

(ii) Except for transportation by passenger carrying aircraft and, if not prohibited in paragraph (b)(4) of this section, single unit packagings specified in paragraph (a)(2) of this section.

(4) The materials of construction listed in this subparagraph are not authorized for any part of a packaging which is normally in contact with the hazardous materials indicated:

(i) Plastic—UN 1089, UN 1092, UN 1183, UN 1185, UN 1244, UN 1280, UN 1298, UN 1302, UN 1305, UN 1921, and UN 2456.

(ii) Aluminum—UN 1182, UN 1185, UN 1196, UN 1238, UN 1244, UN 1250, UN 1280, UN 1298, UN 1305, and UN 1921.

(c) When § 172.101 of this subchapter specifies that a flammable liquid be packaged under this paragraph, only the non-bulk packagings prescribed in this paragraph may be used for its transportation. Each packaging must be

marked under, and conform to, the requirements of Part 178 of this subchapter, at the Packing Group I or II performance level.

(1) Except for transportation by aircraft, combination packagings with inner receptacles of glass, earthenware, porcelain, stoneware, plastic or metal placed in any of the following outer packagings:

Wooden box—4C
Plywood box—4D
Fiberboard box—4G
Expanded plastic box—4H
Reconstituted wood box—4F
Steel drum—1A2
Plywood drum—1D
Fiber drum—1G1, 1G2, 1G3
Aluminum drum—1B2
Plastic drum—1H2

(2) Except for transportation by aircraft, the following single-unit packagings:

Steel drum—1A1

Steel drum—1A2 (not authorized for liquids with a flashpoint below -6.67°C (20°F))

Aluminum drum—1B1

Steel jerrican—3A1

Steel drum with plastic liner—6HA1

Plastic drum—1H1

Plastic jerrican—3H1

Fiber drum with liner—6HG1

Cylinders as prescribed for any compressed gas, except for specifications 8 and 3Ht.

(3) For transportation by aircraft, only the following packagings:

(i) Combination packagings with inner receptacles having a maximum capacity, in liters, no greater than that provided in the following chart (the maximum permissible capacity for inner receptacles for packages offered for transport by cargo only aircraft are shown in parentheses when they exceed the maximum allowable capacity for passenger-carrying aircraft):

Outer	Inner	Glass or earthenware IR.1	Plastic IR.2	Metal IR.3	Glass ampoule IR.8
Wooden box	4C	(L) 1(2.5)	(L) 5	(L) 5(10)	(L) 0.5
Plywood box	4D	1(2.5)	5	5(10)	0.5
Fiberboard box	4G	1(2.5)	5	5(10)	0.5
Reconstituted wood box	4F	1(2.5)	5	5(10)	0.5
Steel drum	1A2	1(2.5)	5	5(10)	0.5
Aluminum drum	1B2	1(2.5)	5	5(10)	0.5

(ii) Except for transportation by passenger carrying aircraft, the following single-unit packagings:

Steel drum—1A1
Aluminum drum—1B1
Steel jerricans—3A1
Steel drum with plastic liner—6HA1
Plastic drum—1H1
Plastic jerrican—3H1

(4) A flammable liquid having a flashpoint of 23°C (73°F) or higher that does not meet the definition of another hazard class may also be packaged as specified in paragraph (e) of this section.

(d) When § 172.101 of this subchapter specifies that a flammable liquid be packaged under this paragraph, only non-bulk packagings prescribed in this

paragraph may be used for transportation of the material. Each packaging must be marked under and conform to the requirements of Part 178 of this subchapter, at the Packing Group I or II performance level.

(1) Except for transportation by aircraft, if not prohibited in paragraph (d)(4) of this section, combination

packagings specified in paragraph (c)(1) of this section.

(2) Except for transportation by aircraft, if not prohibited in paragraph (d)(4) of this section, single-unit packagings specified in paragraph (c)(2) of this section.

(3) For transportation by aircraft, the only packagings authorized are:

(i) Combination packagings with outer packagings specified in paragraph (c)(3)(i) of this section and with inner receptacles having a maximum capacity, in liters, no greater than that provided in

the following chart: (The maximum permissible capacity of inner receptacles for packages offered for transport by cargo only aircraft are shown in parentheses when they exceed the maximum allowable capacity for passenger-carrying aircraft):

ID No.	Glass or earthenware IR.1	Plastic IR.2	Metal IR.3	Aluminum IR.3	Glass ampoule IR.8	Notes
UN 1111	(L)	(L)	(L)	(L)	(L)	
UN 1154	1(2.5)	NA	1(2.5)	1(2.5)	0.5	1
UN 1167	NA(2.5)	NA(5)	NA(5)	NA(5)	NA(0.5)	
UN 1204	NA(2.5)	NA	NA(2.5)	NA(2.5)	NA(0.5)	
UN 1228	1	1	1	NA	0.5	
UN 1277	NA(2.5)	NA	NA(2.5)	NA(2.5)	NA(0.5)	1
UN 1278	NA(2.5)	NA(2.5)	NA(5)	NA	NA(0.5)	
UN 1717	NA(2.5)	NA(2.5)	NA(5)	NA	NA(0.5)	
UN 2347	1(2.5)	1(2.5)	1(2.5)	NA	0.5	1, 2, 3
UN 2485	1(2.5)	NA	1(2.5)	1(2.5)	0.5	1
	1(2.5)	1	1(2.5)	1(2.5)	0.5	1, 2

Note 1: Glass inner receptacles must be packaged with absorbent material in a sealed metal receptacle before packing in outer packagings.

Note 2: Metal inner receptacle must be constructed of corrosion-resistant steel or steel with protection against corrosion.

Note 3: Plastic inner receptacles must be packaged in a sealed metal receptacle before packing in outer packagings.

Note 4: The letters "NA" mean that the particular inner receptacle is not authorized.

(ii) Except for transportation by passenger carrying aircraft and, if not prohibited in paragraph (d)(4) of this section, single-unit packagings specified in paragraph (c)(3)(ii) of this section.

(4) The materials of construction listed in this subparagraph are not authorized for any part of a packaging which is normally in contact with the hazardous materials indicated:

(i) Plastic—UN 1111, UN 1167, NA 1228, UN 2347.

(ii) Metal [other than aluminum]—UN 2493.

(iii) Aluminum—UN 1154, UN 1204, UN 1277, UN 1278, UN 1717, UN 2493.

(e) When § 172.101 of this subchapter requires a hazardous material to be packaged under this paragraph, only non-bulk packagings prescribed in this paragraph may be used. Each packaging, other than cylinders, must be marked under and conform to, the standards

associated with its identification code, as specified in Part 178 of this subchapter, at the Packing Group I, II or III performance level.

(1) Except for transportation by aircraft, combination packagings having inner receptacles of glass, earthenware, plastic or metal placed in any of the following outer packagings:

Wooden box—4C
Plywood box—4D
Fiberboard box—4G
Expanded plastic box—4H
Reconstituted wood box—4F
Steel Drum—1A2
Plywood drum—1D
Fiber drum—1G1, 1G2, 1G3
Aluminum drum—1B2
Plastic drum—1H2

(2) Except for transportation by aircraft, the following single-unit packagings:

Steel drum—1A1, 1A2
Aluminum drum—1B1, 1B2
Steel jerrican—A1
Steel drum with plastic liner—6HA1
Plastic drum—1H1
Plastic jerrican—3H1
Plywood drum with plastic liner—6HD1
Fiber drum with plastic liner—6HG1
Cylinders, as prescribed for any compressed gas, except specifications 8 and 3HT.

(3) For transportation by aircraft, the only packagings authorized are:

(i) Combination packagings with inner receptacles having a maximum capacity, in liters, no greater than that provided in the following chart (the maximum permissible capacity for inner receptacles for packages offered for transport by cargo only aircraft are shown in parentheses when they exceed the maximum allowable capacity for passenger carrying aircraft):

Outer	Inner	Glass or earthenware IR.1(L)	Plastic IR.2(L)	Metal IR.3(L)	Glass ampoule IR.8(L)
Wooden box	4C	2.5(5)	10	10(25)	0.5
Plywood box	4D	2.5(5)	10	10(25)	0.5
Fiberboard box	4G	2.5(5)	10	10(25)	0.5
Reconstituted wood box	4F	2.5(5)	10	10(25)	0.5
Steel drum	1A2	2.5(5)	10	10(25)	0.5
Aluminum drum	1B2	2.5(5)	10	10(25)	0.5

(ii) Except for transportation by passenger-carrying aircraft, single-unit packagings as specified by paragraph (e)(2) of this section.

(iii) Notwithstanding § 172.101 of this subchapter, a flammable liquid with a flashpoint of 23°C (73°F) or higher not meeting the definition of another hazard class and packaged in accordance with paragraph (d)(3) of this section may be

transported on passenger-carrying aircraft in quantities not exceeding 60 liters per package, and on cargo only aircraft in quantities not exceeding 220 liters per package.

(4) A flammable liquid having a flashpoint of 23°C (73°F) or higher is excepted from the packaging requirements of subparagraphs (1), (2) and (3) of this paragraph if:

(i) It does not meet the definition of another hazard class; and

(ii) The actual flashpoint is marked on the outside of the package, or an indication that the flashpoint is 23°C (73°F) or higher is marked on the outside of the package.

(5) Notwithstanding, § 172.101 of this subchapter, the maximum net quantity limit for flammable liquids meeting the

conditions of subparagraph (4) of this paragraph is 4 liters per package for carriage aboard passenger-carrying aircraft and 220 liters for carriage aboard cargo-only aircraft.

(f) *Flammable liquids in bulk packagings.* When §172.101 of this subchapter specifies that a flammable liquid be packaged in accordance with this paragraph, only the bulk packagings prescribed in this paragraph may be used for its transportation.

(1) *Tank Cars.* (i) Flammable liquids with vapor pressures not exceeding 40 psia at 100°F., and not meeting the definition of another hazard class may be packaged in Class 103, 105, 106, 109, 110, 111, 112, 114 or 115 or specification AAR206W tank cars. Each Class 103, 111, and 115 tank car must have its manway closure equipped with safeguards to preclude the inadvertent removal of the closure from the manway opening while the car interior is subjected to pressure.

(A) The use of specification 103AL special riveted aluminum tank cars is authorized only for the transportation of gasoline, ethyl acetate, acetone, methanol, or butyraldehyde as provided in special orders of November 5, 1937, and February 1, 1939.

(ii) Flammable liquids which are also oxidizers, corrosive liquids, or poison B liquids may be packaged in Class 103, 105, 111, 112, 114 or 115 tank cars or specification AAR206W tank cars of welded construction.

(2) *Cargo Tanks.* (i) Each cargo tank used to transport flammable liquids must be in accordance with the following:

(A) Bottom outlets on each specification MC 303, MC 304, and MC 305 cargo tank must be equipped with valves complying with §178.342-5(a) of this subchapter.

(B) Bottom outlets on each specification MC 310, MC 311 and MC 312 cargo tank must be equipped with valves complying with §§ 178.342-5(a) and 178.343-5 of this subchapter.

(C) Bottom outlets on each specification MC 330 and MC 331 cargo tank must be equipped with valves complying with § 178.337-11(c) of this subchapter.

(ii) Flammable liquids that are also oxidizers, corrosive liquids or poison B liquids or that have vapor pressures greater than 16 psia may be packaged in specification MC 304, MC 307, MC 310, MC 311, MC 312, MC 330 or MC 331 cargo tanks only.

(A) Emergency venting capacity on specification MC 304, MC 310, MC 311, and MC 312 cargo tanks must be equivalent to that of an MC 307 cargo tank.

(B) Each safety relief device must have a start-to-discharge pressure of not less than 25 psig.

(iii) Flammable liquid with vapor pressures not exceeding 16 psia at 100°F., and not meeting the definition of another hazard class may be packaged in specification MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, MC 312, MC 330 or MC 331 cargo tanks.

(3) *Intermodal Portable Tanks.* Flammable liquids may be packaged in IM101 and IM102 portable tanks as prescribed in §§ 173.32c and § 173.32d.

(4) *Portable Tanks other than Intermodal Portable Tanks.* (i) Flammable liquids that are also oxidizers, corrosive liquids or poison B liquids or that have vapor pressures greater than 16 psia may be packaged in specification 51 or 60 portable tanks only.

(ii) Flammable liquids with vapor pressures not exceeding 16 psia at 100°F., may be packaged in specification 51, 57 or 60 portable tanks and Marine Portable Tanks (46 CFR Part 64) only.

(A) Specification 57 steel portable tanks having a minimum design pressure of 9 psig and equipped in accordance with § 178.253-4 of this subchapter are authorized for transportation by vessel, except that frangible devices are not permitted. For transportation by vessel, no pressure relief device may open at less than 5 psig. Authorized only for liquids with flash points above 20°F.

(B) Marine portable tanks are authorized for highway and cargo vessel transportation only when shipped in support of off-shore drilling and production activities. Tanks must meet the mounting and tie-down requirements of § 178.245-4 of this subchapter when transported by highway.

(iii) Except for transportation by vessel, paints and related materials may be packaged in specification 52 portable tanks.

(g) Carbon bisulfide (disulfide) may only be transported in bulk packagings as specified in §173.119(f)(1)(i).

(h) Acrolein, inhibited, may only be transported in bulk packagings as follows:

(1) Specification 105A300W tank cars.
(i) Each tank car must be stenciled DOT-105A200W, and must be equipped with the 150 psig safety relief valve required for that specification.

(ii) Each tank car must be marked "ACROLEIN" in accordance with the requirements of § 172.330 of this subchapter.

(2) Specification 51 portable tanks.

(i) Acrylonitrile may only be transported in bulk packagings as follows:

(1) Specification 105A200W or 112A200W tank cars.

(2) Cargo tanks as specified in § 173.119(f)(2)(ii).

(j) Propylene oxide may only be transported in bulk packagings as follows:

(1) Specification 105A100W, 112A200W or 114A340W tank cars.

(2) Cargo tanks as specified in § 173.119(f)(2)(ii).

(k) Chlorosilanes and substituted chlorosilanes may only be transported in bulk packagings as follows:

(1) Specification 103, 103W, 105A100, 105A100W, 111A60F1, 111A60W1 and 111A100W4 tank cars and Class 112 and 114 tank cars. Bottom outlets are prohibited.

(2) Specification MC 300, MC 303, MC 304, MC 306, MC 307, MC 330 or MC 331 cargo tanks. Methyl dichlorosilane and trichlorosilane may be packaged in specification MC 330 or MC 331 cargo tanks only.

(3) Specification 51 portable tanks.

(l) Ethylene imine, inhibited, may only be transported in bulk packagings as follows:

(1) Specification 105A100W, 112T200W, 112J200W, 114T340W or 114J340W tank cars.

(2) Specification 111A60W1 tank cars insulated in accordance with § 179.200-4 of this subchapter.

(m) Methylhydrazine may only be transported in bulk packagings as follows:

(1) Specification 105A200W tank cars. Each tank car must be restenciled 105A100W and be equipped with safety valves of the type and size used on specification 105A100W tank cars.

(2) Cargo tanks as specified in § 173.119(f)(2)(iii). Bottom outlets are prohibited.

(n) Dimethylhydrazine, unsymmetrical, may only be transported in bulk packagings as follows:

(1) Specification 103W, 103CW, 105A100W, 111A60W1, 111A60W7 or 111A100W4 tank cars. Bottom outlets are prohibited.

(2) Cargo tanks as specified in § 173.119(f)(2)(iii). Bottom outlets are prohibited.

(o) Monoethylamine may only be transported in bulk packagings as follows:

(1) Specification 105A100, 105A100W, 105A100ALW, 109A100ALW, 109A300W, 111A100W4, 112A200W, 112A400F and 114A340W tank cars and 106A500X, 106A800XNC, 106A800NCI and 110A500W tank cars.

(2) Specification MC 304, MC 307, MC 330 or MC 331 cargo tanks.

(3) Specification 51 portable tanks with no more than one bottom opening plugged for maintenance purposes. The bottom opening may not exceed 3 inches in diameter.

(p) Nitrocellulose, fibrous, wet with alcohol or solvent, must contain at least 25 percent by weight of alcohol or a solvent with flash point not lower than 30°F.; collodion cotton, fibrous and nitrostarch, wet with alcohol or solvent, must contain at least 30 percent by weight of alcohol or a solvent with flash point not lower than 30°F.; nitrocellulose flakes; colloided nitrocellulose, granular or flake; lacquer base or lacquer chips, wet with alcohol or a solvent, must contain at least 20 percent by weight of alcohol or a solvent with flash point not lower than 30°F.; and nitrocellulose blocks wet with alcohol must contain at least 25 percent by weight of alcohol may only be transported in bulk packagings as follows:

(1) Intermodal portable tanks.

(2) Specification 51, 57 or 60 portable tanks.

(q) Amyl, butyl, ethyl, isopropyl and propyl mercaptan and aliphatic mercaptan mixtures may only be transported in bulk packagings as follows:

(1) Specification 103W, 105A100, 105A100W, 106A500X, 110A500W, 111A60F1, 111A60W1, 112A200W, 112A400F or 114A340W tank cars with no bottom outlets. Specification 105A200ALW tank cars are only authorized for ethyl mercaptan and are not authorized for transportation by vessel.

(2) Specification MC 330 or MC 331 cargo tanks.

(3) Specification 51 portable tanks.

(r) Ethyl chloroformate and methyl chloroformate may only be transported in specification 111A100W2, 111A100W4, 112A200W or 112A400F tank cars.

(s) Acetyl chloride may only be transported in bulk packagings as follows:

(1) Specification 103A, 103AW, 105A300W, 111A60W2, or 111A100F2 tank cars.

(2) Specification MC 310, MC 311, MC 312, MC 330 or MC 331 cargo tanks.

(3) Specification 60 portable tanks.

7. Sections 173.120 through 173.129 would be revised to read as follows:

§ 173.120 Automobiles, motorcycles, tractors, or other self-propelled vehicles.

(a) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with flammable liquid fuel tanks that are securely closed, are not subject to any other requirements for transportation by rail or highway. For

transportation by air see paragraph (d) of this section.

(b) *Engines or motors (internal combustion).* Except as provided in paragraph (a) of this section, engines or motors (internal combustion) employing liquid fuel classed as flammable liquid in this chapter, whether shipped separately or as a part of other apparatus, must have their fuel tanks completely drained. Fuel may be left in the carburetor, fuel pump, and fuel lines provided the total flammable fuel content does not exceed .47 liters (16 ounces) and provided the lines are tightly closed to prevent leakage of the fuel.

(c) *Truck bodies or trailers on flat cars.* Truck bodies or trailers with automatic heating or refrigerating equipment of the flammable liquid type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of the joint rail highway movement, provided the equipment and fuel supply are of a type examined and approved by the Associate Director for HMR, Materials Transportation Bureau, Washington, D.C. 20590. The heating or refrigerating equipment is not subject to any other requirements of this subchapter.

(d) Except as provided in § 175.305 of this subchapter, each automobile, motorcycle, tractor, or other self-propelled vehicle, powered by an internal combustion engine fueled by a flammable or combustible liquid when offered for transportation by air, must have the fuel tank drained of all fuel and have the tank opening tightly closed.

§ 173.121 Hydrazine, anhydrous.

(a) Hydrazine, anhydrous must be packed in specification non-bulk packagings as follows:

(1) As specified in § 173.119(b) except steel packagings shall be constructed using type 304 or 347 stainless steel only.

(b) For transportation in bulk packagings only the following may be used.

(1) Specification 103CW, 111A60W7, or 111A100W6 tank cars having tanks of type 304L or 347 stainless steel with molybdenum content not exceeding one-half of one percent. The safety relief valve on specification 103CW tank cars must have a start-to-discharge pressure of not more than 45 psig. Bottom outlets are prohibited, bottom washout is permitted. The vapor space in tanks must be filled with nitrogen gas at atmospheric pressure.

(2) Specification 103A-ALW or 111A60ALW2 tank cars. The safety

relief value on tanks may not have a start-to-discharge pressure of more than 45 psig. Vapor space in tanks must be filled with nitrogen gas at atmospheric pressure.

(3) Specification MC 310, MC 311, or MC 312 cargo tanks of type 304L or 347 stainless steel with molybdenum content not exceeding one-half of one percent. Bottom outlets permitted. Vapor space in tank must be filled with nitrogen gas at not less than atmospheric pressure.

§ 173.122 Pyrophoric liquids, n.o.s., and methyl magnesium bromide in ethyl ether.

(a) Pyrophoric liquids, n.o.s., and methyl magnesium bromide in ethyl ether may only be packed in specification non-bulk packagings as follows:

(1) Cylinders as prescribed for any compressed gas except acetylene and having a minimum design pressure of 12.30 kilograms per square centimeter (175 pounds per square inch). Except for cylinders shipped loose, the package must be capable of passing Packaging Group I performance tests. Cylinders with values must be:

(i) Equipped with steel valve protection caps or collars when shipped loose;

(ii) Overpacked in a 4C wooden box, 4D plywood box or 4F reconstituted wood box; or

(iii) Overpacked in a 4H expanded plastic box. When overpacked, cylinders must be secured to protect all valves. Unless packed in a box or case, any pressure relief device must be in the vapor space of any loaded cylinder. (See §§ 174.300(d) and 177.837(d) of this subchapter.)

(2) 4C wooden box, 4D plywood box, 4F reconstituted wood box, or 4G fiberboard box enclosing not more than four, strong, tight metal cans with inside containers of glass or metal, not over 1 liter capacity each, having positive screwcap closures adequately gasketed ahead of the threads. Inside containers must be cushioned on all sides with dry, absorbent, incombustible material in a quantity sufficient to absorb the entire content. The strong, tight metal cans must be closed by positive means, not by friction. The package must be capable of passing Packing Group I performance tests.

(3) 1A2 steel drums with inside metal cans not over 4 liters capacity each, constructed of not less than 28-gauge electro-coated tin plate and closed by positive means, not friction. Inside containers shall have no opening exceeding 25.4 millimeters (1 inch), and they must be surrounded on all sides with incombustible cushioning material.

The package shall be capable of passing Packing Group I performance tests.

(b) Pyroforic liquids, n.o.s. and methyl magnesium bromide in ethyl ether may only be packed in bulk packagings as follows:

- (1) Specification 105A300W tank cars;
- (2) Specification MC 330 or MC 331 cargo tanks having a minimum design pressure of 175 psig; or,
- (3) Specification 51 portable tanks having a minimum design pressure of 175 psig.

§ 173.123 Ethyl chloride.

(a) Ethyl chloride may only be packed in specification non-bulk packagings as follows:

(1) IR.1 glass or earthenware or IR.3 metal inner receptacles not over 0.5 kilogram capacity each, in a 4C wooden or 4G fiberboard box;

(2) 1A1 steel drum; or

(3) Any cylinder authorized for any compressed gas except acetylene.

(b) For transportation by aircraft, only cylinders as prescribed in paragraph (a)(3) of this section with a gross weight not exceeding 150 kilograms are authorized.

(c) Non-bulk packagings, except for cylinders, must comply with Packing Group I performance standards and must be marked as specified in Part 178 of this subchapter.

(d) Ethyl chloride may only be transported in bulk packagings as follows:

(1) Specification 105A100, 105A100W, 111A100W4, 112A200W, 112A400F or 114A340W tank cars with no bottom outlets;

(2) Specification MC 330 or MC 331 cargo tanks; or

(3) Specification 51 portable tanks.

(e) Outage for all packagings except tank cars must be at least 7.5 percent at 21°C (70°F). Outage for tank cars must be at least 4.2 percent at 21°C (70°F.)

§ 173.124 Ethylene oxide.

(a) Ethylene oxide may only be packed in specification non-bulk packaging as follows and copper, silver mercury and their alloys shall not be used in any part of a container, container valve or other container appurtenance if that part is normally in contact with ethylene oxide liquid or vapor. All packaging and gaskets must be constructed of materials which do not react spontaneously with or lower the autoignition temperature of ethylene oxide.

(1) 4G fiberboard box with one inside IR.8 glass ampule or vial of no more than 100 grams (3.53 oz.) capacity

cushioned with incombustible material. The completed package must be capable of passing Packing Group I performance tests.

(2) 4G fiberboard box constructed with top and bottom pads and perimeter liner. Inside packaging must be IR.3 aluminum cartridge of no more than 135 grams (4.76 ounces) capacity cushioned with incombustible material. No more than 12 receptacles allowed in one box and no more than 10 boxes may be overpacked in a master carton (§ 173.25(a)). The completed package must be capable of passing Packing Group I performance tests.

(3) 4C or 4D wooden boxes and 4G fiberboard box with inside IR.3 metal container of no more than 340 grams (12 ounces) capacity and no less than 12.66 kilograms per square centimeters (180 psig) burst pressure. No more than 12 receptacles in one box and each receptacle may not be liquid full below 82.2°C (180°F). Each inside receptacle must be insulated and equipped with a relief device of fusible plug type with yield temperature of 69.4°C to 76.7°C (157°F to 170°F). The capacity of the relief device and insulation must be such that the charged receptacle will not explode when tested by CGA Pamphlet C-14 method or other equivalent method. The completed package must be capable of passing Packing Group I performance tests.

(4) Cylinders authorized for any compressed gas except acetylene. Cylinders must be seamless or steel welded with nominal capacity of no more than 113.55 liters (30 gallons) and may not be liquid full below 82.2°C (180°F). Cylinders over 3.79 liters (1 gallon) capacity must be equipped with eductor tubes and be insulated. Before each refilling, each cylinder must be tested for leakage at no less than 1.05 kilograms per square centimeter (15 psig) pressure. In addition, each cylinder must be equipped with a fusible type relief device with yield temperature of 69.4°C to 76.7°C (157°F to 170°F). The capacity of the relief device and the insulation must be such that the charged cylinder will not explode when tested by CGA Pamphlet C-14 method or other equivalent method.

(5) 1A1 steel drum of no more than 230.89 liters (61 gallons) and meeting Packing Group I performance standards. The drum may not be liquid full below 85°C (185°F), and must be marked "THIS END UP" on the top head. Before each refilling, each drum must be tested for leakage at no less than 105 kilogram per square centimeter (15 psig) pressure. Each drum must be equipped with a

fusible type relief device type with yield temperature of 69.4°C to 76.7°C (157°F to 170°F), and the capacity of the relief device must be such that the filled drum will not explode when tested by the method described in CGA Pamphlet C-14 or other equivalent method.

(b) Ethylene oxide may only be packed in specification bulk packagings as follows:

(1) Specification 105A100W or 111A100W4 tank car. Each 105A * * * W series tank car must be equipped with a 75 psig safety valve and must be stenciled 105A100W. Outage of each tank must be sufficient to prevent the tank from becoming liquid full at 105°F. Each tank loaded or empty, must be padded with dry nitrogen or other suitable dry inert gas in sufficient quantity to render the vapor phase in the tank nonflammable at a temperature of up to 105°F. Consideration must be given to the lading temperature and the solubility of the gas in ethylene as well as the partial pressure required of the padding gas used to provide this protection. The gas must be free of impurities which may cause the ethylene oxide to rearrange chemically or to polymerize, decompose, or undergo other chemical reaction. See §§ 179.102-12 and 179.202-18 of this subchapter for special requirements for tank cars authorized for ethylene oxide. Openings in tank heads to facilitate application of nickel lining are authorized on tank cars constructed before January 1, 1975.

(i) Each tank car must be marked "ETHYLENE OXIDE" in accordance with the requirements of § 172.330 of this subchapter.

(2) Specification 51 portable tank. Each tank, loaded or empty, must be padded with dry nitrogen or other suitable dry inert gas in sufficient quantity to render the vapor phase in the tank nonflammable at a temperature of up to 105°F. Consideration must be given to the lading temperature and the solubility of the gas in ethylene oxide as well as the partial pressure required of the padding gas used to provide this protection. The gas must be free of impurities which may cause the ethylene oxide to rearrange chemically or to polymerize, decompose, or undergo other chemical reaction. Each tank must be constructed to be in compliance with the following requirements:

(i) The tank must be insulated with mineral wool or glass fiber of sufficient thickness so that the thermal conductance at 60°F is not more than 0.075 British thermal units per hour, per

squar foot, per degree fahrenheit temperature differential. When a tank is equipped with fusible plugs instead of a safety relief valve or frangible disc, insulation must meet the requirements of paragraph (b)(2)(iii) of this section.

(ii) The insulating material of the tank must be protected by a steel jacket having a minimum thickness of 12 gauge. This jacket must be applied to prevent moisture from coming in contact with the insulation.

(iii) Each tank must be equipped with a safety relief valve or frangible disc, meeting the requirements of § 173.315, set to relieve at 75 psig. Instead of a safety relief valve or frangible disc, a tank may be equipped with safety devices of the fusible plug type with threaded straight base orifice, with yield temperature of 157°F to 170°F., having a minimum vent area of 0.0012 square inch per pound of water capacity of the container. When a fusible plug is used instead of a safety relief valve or frangible disc, the tank must be insulated with mineral wool or glass fiber of such insulating properties and required additional thickness that the tank filled as for shipment will not rupture in a fire.

(iv) Filling must be such that the tank will not be liquid full below 185°F.

(v) Copper, silver, mercury, magnesium, or their alloys may not be used in any part of the tank or appurtenances if that part or appurtenance is normally in contact with ethylene oxide liquid or vapor.

(vi) Neoprene, natural rubber, and asbestos gaskets are prohibited. All packagings and gaskets must be constructed of materials which do not react spontaneously with or lower the autoignition temperature of ethylene oxide.

§ 173.125 Refrigerating machines.

Refrigerating machines assembled for shipment and containing limited quantities of 15 pounds or less of a flammable liquid for their operation are excepted from labeling and the specification packaging requirements of this subchapter (except when offered for transportation by air). In addition, shipments are not subject to Subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and to Part 177 of this subchapter except § 177.817.

§ 173.126 Nickel carbonyl.

Nickel carbonyl may only be packed in specification steel or nickel cylinders as prescribed for any compressed gas, except acetylene. Cylinders used exclusively for nickel carbonyl may be given a complete external visual

inspection at the time periodic retest becomes due in lieu of the interior hydrostatic pressure test required by § 173.34(e). Visual inspection must be in accordance with CGA Pamphlet C-6. All cylinder valves must be protected by one of the methods described in § 173.301(g)(1), (2) or (3).

§ 173.127 Pentaborane.

Pentaborane may only be packed in specification steel or nickel cylinders as prescribed for any compressed gas, except acetylene. Each cylinder must be protected with a valve protection cap or must be packed in a strong wooden box and blocked therein so as to protect the valve from injury under conditions normally incident to transportation. Cylinders not exceeding 5.08 centimeters (2 inches) in diameter nor 15.24 centimeters (6 inches) in length, excluding the length of the valve, may also be packed in strong solid fiberboard boxes, having no outside dimension less than 10.16 centimeters (4 inches), completely filled with layers of strong corrugated fiberboard, the center of which shall be cut out to fit the cylinder valve, and otherwise so designed that neither the cylinder nor the valve will be in contact with any wall of the box under conditions normally incident to transportation.

§ 173.128 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

Warning or odorizing devices containing not more than 28.35 grams (1 ounce) of a mercaptan or an aliphatic mercaptan mixture in a hermetically sealed container or in a hermetically sealed portion of the device are not subject to the regulations in Parts 170-189 and 397 of this title.

§ 173.129 Methyl vinyl ketone, inhibited.

Limited quantities of inhibited methyl vinyl ketone, in a glass or metal inside container having a capacity of no more than 4 fluid ounces with no more than one such container securely closed and efficiently cushioned in a strong outside packaging, is excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subpart. In addition, shipments are not subject to Subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and to Part 177 of this subchapter except § 177.817.

8. The following sections would be removed and reserved:

§§ 173.130, 173.131, 173.132, 173.133, 173.134, 173.135, 173.136, 173.137, 173.138, 173.139, 173.140, 173.141, 173.143, 173.144, 173.145, 173.146, 173.147, 173.148, 173.149, 173.149a, [Removed and reserved]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

9. In § 178.0-2, paragraphs (b) and (c) would be revised and a new paragraph (d) would be added to read as follows:

§ 178.0-2 Applicability.

(b) When this Part requires a packaging or container to be marked with a DOT specification or a UN standard (for example, DOT-1A, DOT-17E-304HT, DOT-23G40, UN 1A1/Y1.4/150/83), compliance with that requirement is the responsibility of the packaging or container manufacturer. Marking the packaging or container with the appropriate DOT specification or UN standard shall be understood to certify compliance by the manufacturer, that the functions performed by the manufacturer, as prescribed in this part, have been performed in compliance with this part.

(c) Except as specifically provided in §§ 178.337-18 and 178.340-10, the manufacturer of a packaging or container shall inform in writing each person to whom that packaging is transferred of any requirements of this Part which have not been met at the time of transfer.

(d) Packagings which do not comply with the applicable specifications or standards listed in this Part or Part 179 of this subchapter may not be marked to indicate such compliance.

10. A new Subpart L would be added to read as follows:

Subpart L—Performance-Oriented Packaging Standards

Sec.

- 178.500 Purpose and scope.
- 178.501 Terms and definitions.
- 178.502 Identification codes for packagings.
- 178.503 General requirements.
- 178.504 Marking of packagings.
- 178.505 Standards for steel drums.
- 178.506 Standards for aluminum drums.
- 178.507 Standards for plywood drums.
- 178.508 Standards for fiber drums.
- 178.509 Standards for plastic drums.
- 178.510 Standards for wooden barrels.
- 178.511 Standards for steel jerricans.
- 178.512 Standards for plastic jerricans.
- 178.513 Standards for steel boxes.
- 178.514 Standards for aluminum boxes.
- 178.515 Standards for boxes of natural wood.
- 178.516 Standards for plywood boxes.
- 178.517 Standards for reconstituted wood boxes.
- 178.518 Standards for fiberboard boxes.

- 178.519 Standards for expanded plastic boxes.
- 178.520 Standards for woven plastic bags.
- 178.521 Standards for plastic film bags.
- 178.522 Standards for textile bags.
- 178.523 Standards for paper bags.
- 178.524 Standards for composite packagings with inner plastic receptacles.
- 178.525 Standards for composite packagings with inner glass, porcelain, or stoneware receptacles.
- 178.600 Purpose and scope.
- 178.601 General requirements.
- 178.602 Preparation of packagings and packages for testing.
- 178.603 Drop test.
- 178.604 Leakproofness test with air.
- 178.605 Hydrostatic pressure test.
- 178.606 Sacking test.
- 178.607 Cooperage test for bung type wooden barrels.
- 178.608 Chemical compatibility test for plastic receptacles.

Subpart L—Performance-Oriented Packaging Standards

§ 178.500 Purpose and scope.

This subpart prescribes certain requirements for packagings used in the transportation of hazardous materials in commerce.

§ 178.501 Terms and definitions.

In this subchapter:

Bags are flexible packagings made of paper, plastic film, textiles, woven material or other similar materials.

Boxes are packagings with complete rectangular or polygonal faces, made of metal, wood, plywood, reconstituted wood, fiberboard, plastic, or other suitable material.

Closures are devices which close an opening in a packaging.

Combination packagings are a combination of packagings for transport purposes, consisting of one or more inner packagings secured in an outer packaging in accordance with § 173.24(c)(5).

Composite packagings are packagings consisting of an outer packaging and an inner receptacle, so constructed that the inner receptacle and the outer packaging form an integral packaging. Once assembled it remains thereafter an integrated single unit, and is filled, stored, shipped and emptied as such.

Drums are flat-ended or convex-ended cylindrical receptacles made of metal, fiber, plastic, plywood, or other suitable materials. This definition also includes receptacles of other shapes when made of metal or plastic (e.g., round taper-necked receptacles, or pail-shaped receptacles), but does not include wooden barrels and jerricans.

Inner packagings are packagings for which an outer packaging is also required.

Inner receptacles are receptacles which require an outer protection in order to perform their containment function.

Jerricans are metal or plastic receptacles of rectangular or polygonal cross-section with non-removable heads and one or more openings.

Outer packaging is the outer protection of a composite or combination packaging together with any absorbent materials, cushioning and any other components necessary to contain and protect inner receptacles or inner packagings.

Packages are the complete product of the packing operation, consisting of the packaging and its contents prepared for transportation.

Packagings are receptacles and any other components or materials necessary for the receptacle to perform its containment function.

Receptacles are containment vessels for receiving and holding materials including any means of closing.

Wooden barrels are receptacles made of natural wood, or round cross-section, having convex walls, consisting of staves and heads and fitted with hoops.

§ 178.502 Identification codes for packagings.

(a) The following numerals designate types of packagings:

1. Drum
2. Wooden barrel
3. Jerrican
4. Box
5. Bag
6. Composite packaging

(b) The following letters designate the material of construction employed in the manufacture of the packaging:

- A. Steel (all types and surface treatments)
- B. Aluminum
- C. Natural wood
- D. Plywood
- F. Reconstituted wood
- G. Fiberboard
- H. Plastic material
- L. Textile
- M. Paper, multiwall
- N. Metal (other than steel or aluminum)
- P. Glass, porcelain or stoneware

(c) The following are *packing groups*, ranked according to the degree of danger presented by the materials:

- (1) Packing Group I: great danger;
- (2) Packing Group II: medium danger; and
- (3) Packing Group III: minor danger.

§ 178.503 General requirements.

(a) Coatings of packagings required by this subchapter, shall retain their protective properties after the required performance tests have been completed.

(b) Nails and other closure devices made of metal shall not penetrate to the

inside of an outer packaging unless provision is made to protect the contents from harmful contact with the metal.

§ 178.504 Marking of packagings.

(a) Every package required to comply with this subpart shall be marked, in a durable and clearly visible manner, with the following information in the sequence presented:

(1) The United Nations symbol as illustrated in paragraph (d) of this section (for metal receptacles, the letters UN may be applied in lieu of the symbol);

(2) A packaging identification code designating the type of packaging, the material of construction and, when appropriate, the category of packaging under §§ 178.505 through 178.525 within the type to which the packaging belongs;

(3) A letter identifying the performance standard under which the design type has been successfully tested, as follows:

- (i) X—for packagings meeting Packing Group I, II and III tests;
- (ii) Y—for packagings meeting Packing Group II and III tests; or
- (iii) Z—for packagings only meeting Packing Group III tests;

(4) A designation of the specific gravity or mass for which the packaging has been tested, as follows:

(i) For packaging without inner packagings intended to contain liquids (except viscous liquids) the designation shall be the specific gravity rounded down to the first decimal but may be omitted when the specific gravity does not exceed 1.2; and

(ii) For packagings intended to contain viscous liquids, solids, or inner packagings, the designation must be the maximum gross mass in kilograms;

(5) Either a letter "S" designating that the packaging is intended only for the transport of solids or inner packagings, or, where a hydraulic pressure test has been successfully passed, the test pressure in kilopascals rounded down to the nearest 10 kilopascals;

(6) The last two digits of the year of manufacture. Packagings of types 1H and 3H shall also be marked with the month of manufacture; this may be marked on the packaging in a different place from the remainder of the marking;

(7) The letters "USA" (indicating that the packaging was marked pursuant to the provisions of this subchapter); and

(8) The name and address or symbol of the person applying the marks required by this section (symbols, if used, must be registered with the Associate Director for HMR).

(b) For a reusable packaging liable to undergo a reconditioning process, the

markings required in paragraph (a)(1) through (a)(6) of this section shall be applied in a permanent manner (e.g., by embossment) able to withstand the reconditioning process;

(c) If a package is reconditioned, it must be marked by the reconditioner near the marks required in paragraphs (a) (1) through (6) of this section with the following additional information:

(1) The name of the country in which the reconditioning was performed (in the United States, the letters "USA" shall be used);

(2) The name or symbol of the reconditioner (symbols, if used, shall be registered with the Associate Director for HMR);

(3) The last two digits of the year of reconditioning;

(4) The letter "R"; and

(5) For every packaging successfully passing a leakproofness test, the additional letter "L".

(d) The following are examples of symbols and required markings:

(1) The United Nations symbol is:



(2) Examples of markings for a new packaging.

(i) For a fiberboard box designed to contain an inner receptacle:



4G/Y145/S/83 (as in § 178.504(a) (1), (2), (3), (4), (5) and (6).)

USA/RA (as in § 178.504(a) (7) and (8).)

(ii) For a steel drum designed to contain liquids:

UN 1A1/Y1.4/150/83 (as in § 178.504(a) (1), (2), (3), (4), (5) and (6).)

USA/VL824 (as in § 178.504(a) (7) and (8).)

(iii) For a steel drum to transport solids, viscous liquids or inner packagings:

UN 1A2/Y150/S/83 (as in § 178.504(a) (1), (2), (4), (5) and (6).)

USA/VL825 (as in § 178.504(a) (7) and (8).)

(3) Examples of markings for reconditioned packagings:

UN 1A1/Y1.4/150/83 (as in § 178.504(a) (1), (2), (3), (4), (5) and (6).)

USA/RB/85RL (as in § 178.504(b) (1), (2), (3), and (4).)

§ 178.505 Standards for steel drums.

(a) The following are identification codes for steel drums:

(1) 1A1 for a non-removable head steel drum; and,

(2) 1A2 for a removable head steel drum.

(b) Construction requirement for steel drums:

(1) Body and heads shall be constructed of steel sheet of suitable type and adequate thickness in relation to the capacity of the drum and the service it is intended to perform.

(2) Body seams shall be welded on drums designed to contain liquids. Body seams shall be mechanically seamed or welded on drums intended to contain only solids.

(3) Chimes shall be mechanically seamed or welded. Separate reinforcing rings may be applied.

(4) The body of a drum of a capacity greater than 60 liters (15.85 gallons) shall have at least two expanded rolling hoops, or alternatively, at least two separate rolling hoops. If there are separate rolling hoops, the hoops shall be fitted tightly on the body and so secured that they cannot shift. Rolling hoops shall not be spot welded.

(5) Openings for filling, emptying and venting in the bodies or heads of non-removable head (1A1) drums shall not exceed 7 centimeters (2.75 inches) in diameter. Drums with larger openings are considered to be of the removable head type (1A2). Closures for openings in the bodies and heads of drums shall be so designed and applied that they will remain secure and leakproof under normal conditions of transport. Closure flanges shall be mechanically seamed or welded in place. Gaskets or other sealing elements shall be used with closures unless the closure is inherently leakproof.

(6) Closure devices for removable head drums shall be so designed and applied that they will remain secure and drums will remain leakproof under normal conditions of transport. Gaskets or other sealing elements shall be used with all removable heads.

(7) If materials used for body, heads, closures, and fittings are not in themselves compatible with the contents to be transported, suitable internal protective coatings or treatments shall be applied. Coatings or treatments shall retain their protective properties under normal conditions of transport.

(8) Maximum capacity of drum: 450 liters (118.88 gallons).

(9) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.506 Standards for aluminum drums.

(a) The following are the identification codes for aluminum drums:

(1) 1B1 for a non-removable head aluminum drum; and

(2) 1B2 for a removable head aluminum drum.

(b) Construction requirements for aluminum drums:

(1) Body and heads shall be constructed of aluminum at least 99 percent pure or an aluminum base alloy. Materials shall be of suitable type and adequate thickness in relation to the capacity of the drum and the service it is intended to perform.

(2) All seams shall be welded. Chime seams, if any, shall be reinforced by the application of separate reinforcing rings.

(3) The body of a drum of a capacity greater than 60 liters (15.85 gallons) shall have at least two expanded rolling hoops, or alternatively, at least two separate rolling hoops. If there are separate rolling hoops, the hoops shall be fitted tightly on the body and so secured that they cannot shift. Rolling hoops shall not be spot welded.

(4) Openings for filling, emptying, or venting in the bodies or heads of non-removable head (1B1) drums shall not exceed 7 centimeters (2.75 inches) in diameter. Drums with larger openings are considered to be of the removable head type (1B2). Closures for openings in the bodies and heads of drums shall be so designed and applied that they will remain secure and leakproof under normal conditions of transport. Closure flanges shall be welded in place so that the weld provides a leakproof seam. Gaskets or other sealing elements shall be used with closures unless the closure is inherently leakproof.

(5) Closure devices for removable head drums shall be so designed and applied that they remain secure and drums remain leakproof under normal conditions of transport. Gaskets or other sealing elements shall be used with all removable heads.

(6) Maximum capacity of drum: 450 liters (118.88 gallons).

(7) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.507 Standards for plywood drums.

(a) The identification code for a plywood drum is 1D.

(b) Construction requirements for plywood drums:

(1) The wood used shall be well seasoned, commercially dry and free

from any defect likely to lessen the effectiveness of the drum for the purpose intended. If a material other than plywood is used for the manufacture of the heads, it shall be of a quality equivalent to the plywood.

(2) At least two-ply plywood shall be used for the body and at least three-ply plywood for the heads; the plies shall be firmly glued together, with their grain crosswise, by a water resistant adhesive.

(3) The body and heads of the drum and their joints shall be of a design appropriate to the capacity of the drum and its intended use.

(4) In order to prevent sifting of the contents, lids shall be lined with kraft paper or equivalent material which shall be securely fastened to the lid and extend to the outside along its full circumference.

(5) Maximum capacity of drum: 250 liters (66.06 gallons).

(6) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.508 Standards for fiber drums.

(a) The identification code for a fiber drum is 1G.

(b) Construction requirements for fiber drums:

(1) The body of the drum shall consist of multiple plies of heavy paper or fiberboard (without corrugations) firmly glued or laminated together and may include one or more protective layers of bitumen, waxed kraft paper, metal foil, plastic material, or equivalent material.

(2) Heads shall be of natural wood, fiberboard, metal, plywood or plastic material and may include one or more protective layers of bitumen, waxed kraft paper, metal foil, plastic material, or equivalent material.

(3) The body and heads of the drum and their joints shall be of a design appropriate to the capacity of the drum and the service it is intended to perform.

(4) The assembled packaging shall be sufficiently water-resistant so as not to delaminate under normal conditions of transport.

(5) Maximum capacity of drum 450 liters (118.88 gallons).

(6) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.509 Standards for plastic drums.

(a) The following are identification codes for plastic drums:

(1) 1H1 for a non-removable head plastic drum; and

(2) 1H2 for a removable head plastic drum.

(b) Construction requirements for plastic drums:

(1) The drum shall be manufactured from suitable plastic material and be of

adequate strength in relation to its capacity and intended use. No used material other than production residue or regrind from the same manufacturing process shall be used. The drum shall be adequately resistant to aging and to degradation caused either by the material contained or by ultra-violet radiation. Any permeation of the material contained shall not be severe enough to constitute a danger under normal conditions of transport.

(2) If protection against ultra-violet radiation is required, it shall be provided by the addition of carbon black or other suitable pigments or inhibitors. These additives shall be compatible with the contents and remain effective throughout the life of the drum. Where use is made of carbon black, pigments or inhibitors other than those used in the manufacture of the design type, retesting may be omitted if the carbon black content does not vary by more than 2 percent by weight or the pigment content does not vary by more than 3 percent by weight. The content of inhibitors of ultra-violet radiation is not limited.

(3) Additives serving purposes other than protection against ultra-violet radiation may be included in the composition of the plastic material provided they do not adversely affect the chemical and physical properties of the material of the drum.

(4) The wall thickness at every point of the drum shall be appropriate to the capacity of the drum and its intended use, taking into account, the stresses to which each point is likely to be exposed.

(5) Openings for filling, emptying and venting in the bodies or heads of non-removable head (1H1) drums shall not exceed 7 centimeters (2.75 inches) in diameter. Drums with larger openings are considered to be of the removable head type (1H2). Closures for openings in the bodies or heads of drums shall be so designed and applied that they remain secure and leakproof under normal conditions of transport. Gaskets or other sealing elements shall be used with closures unless the closure is inherently leakproof.

(6) Closure devices for removable head drums shall be so designed and applied that they remain secure and drums remain leakproof under normal conditions of transport. Gaskets shall be used with all removable heads unless the drum design is such that where the removable head is properly secured, the drum is inherently leakproof.

(7) Maximum capacity of drums: 450 liters (118.88 gallons).

(8) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.510 Standards for wooden barrels.

(a) The following are identification codes for wooden barrels:

(1) 2C1 for a bung type wooden barrel; and

(2) 2C2 for a slack type (removable head) wooden barrel.

(b) Construction requirements for wooden barrels:

(1) The wood used shall be of good quality, straight-grained, well-seasoned and free from knots, bark, rotten wood, sapwood or other defects likely to lessen the effectiveness of the barrel.

(2) The body and heads shall be of a design appropriate to the capacity of the barrel and its intended use.

(3) Staves and heads shall be sawn or cleft with the grain so that no annual ring shall extend over more than half the thickness of a stave or head.

(4) Barrel hoops shall be of steel or iron of good quality. The hoops of 2C2 barrels may be of suitable hardwood.

(5) For wooden barrels 2C1, the diameter of the bung-hole shall in no case exceed half the width of the stave in which it is placed.

(6) For wooden barrels 2C2, heads shall fit tightly into crozes.

(7) Maximum capacity of barrel: 250 liters (66.05 gallons)

(8) Maximum net mass: 400 kilograms (881.84 pounds)

§ 178.511 Standards for steel jerricans.

(a) The identification code for steel jerricans is 3A.

(b) Construction requirements for steel jerricans:

(1) Body and heads shall be constructed of steel sheet of suitable type and adequate thickness in relation to the capacity of the jerrican and the service it is designed to perform.

(2) Body seams shall be welded and chime seams shall be mechanically seamed or welded.

(3) Openings in jerricans shall not exceed 7 centimeters (2.75 inches) in diameter. Closures shall be so designed that they remain secure and leakproof under normal conditions of transport. Gaskets or other sealing elements shall be used with closures, unless the closure is inherently leakproof.

(4) If materials used for body, heads, closures and fittings are not in themselves compatible with the contents to be transported, suitable internal protective coatings or treatments shall be applied. These coatings or treatments shall retain their protective properties under normal conditions of transport.

(5) Maximum capacity of jerrican: 60 liters (15.85 gallons).

(6) Maximum net mass: 120 kilograms (264.55 pounds).

§ 178.512 Standards for plastic jerricans.

(a) The identification code for a plastic jerrican is 3H.

(b) Construction requirements for plastic jerricans:

(1) The jerrican shall be manufactured from suitable plastic material and be of adequate strength in relation to its capacity and to the service it is designed to perform. No used material other than production residues or regrind from the same manufacturing process shall be used. The jerrican shall be adequately resistant to aging and to degradation caused either by the material contained or by ultra-violet radiation. Any permeation by the material contained shall not be severe enough to constitute a danger under normal conditions of transport.

(2) If protection against ultra-violet radiation is required, it shall be provided by the addition of carbon black or other suitable pigments or inhibitors. These additives shall be compatible with the contents and remain effective throughout the life of the jerrican. Where use is made of carbon black, pigments, or inhibitors other than those used in the manufacture of the tested design type, retesting may be omitted if the carbon black content does not vary by more than 2 percent by weight or the pigment content does not vary by more than 3 percent by weight. The content of inhibitors of ultra-violet radiation is not limited.

(3) Additives serving purposes other than protection against ultra-violet radiation may be included in the composition of the plastic material provided they do not adversely affect the chemical and physical properties of the material of the jerrican.

(4) The wall thickness at every point of the jerrican shall be appropriate to the capacity of the jerrican and its intended use, taking into account, however, the stresses to which each point is likely to be exposed.

(5) Openings in jerricans for filling, emptying and venting shall not exceed 7 centimeters (2.75 inches) diameter. Closures for openings in jerricans shall be so designed and applied that they remain secure and leakproof under normal conditions of transport. Gaskets or other sealing elements shall be used with closures unless the closure is inherently leakproof.

(6) Maximum capacity of jerrican: 60 liters (15.85 gallons).

(7) Maximum net mass: 120 kilograms (264.55 pounds).

§ 178.513 Standards for steel boxes.

(a) The following are identification codes for steel boxes:

(1) 4A1 for an unlined steel box; and

(2) 4A2 for a steel box with liner.

(b) Construction requirements for steel boxes:

(1) The strength of the steel and the construction of the box shall be in relation to the capacity of the box and to the service it is intended to perform.

(2) Boxes shall be welded, double seamed, or riveted. If double seaming is used, steps shall be taken to prevent the ingress of substances into recesses of the seams.

(3) Boxes 4A2 may be lined with fiberboard or felt packing pieces, or an inner liner or coating of another suitable material. If a double seamed metal liner is used, steps shall be taken to prevent the ingress of substances into recesses of the seams.

(4) Closures may be of any suitable type, and shall remain secure under normal conditions of transport.

(5) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.514 Standards for aluminum boxes.

(a) The following are the identification codes for aluminum boxes:

(1) 4B1 for an aluminum box without liner; and,

(2) 4B2 for an aluminum box with liner.

(b) Construction requirements for aluminum boxes:

(1) The strength of the aluminum and the construction of the box shall be in relation to the capacity of the box and to the service it is designed to perform.

(2) Boxes shall be welded, double seamed, or riveted. If double seaming is used, steps shall be taken to prevent the ingress of substances into recesses of the seams.

(3) Boxes 4B2 may be lined with fiberboard or felt packing pieces, or an inner or coating liner of another suitable material. If a double seamed metal liner is used, steps shall be taken to prevent the ingress of substances into recesses of the seams.

(4) Closures may be of any suitable type, and shall remain secure under normal conditions of transport.

(5) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.515 Standards for boxes of natural wood.

(a) The following are the identification codes for boxes of natural wood:

(1) 4C1 for an ordinary box; and

(2) 4C2 for a box with sift-proof walls.

(b) Construction requirements for boxes of natural wood:

(1) The wood used shall be well-seasoned, commercially dry and free from defects that would materially lessen the strength of any part of the

box. The tops and bottoms may be made of hard board.

(2) Each part of the 4C2 box shall be one piece or equivalent. Parts are considered equivalent to one piece when one of the following methods of glued assembly is used: Linderman joint, tongue and groove joint, ship lap or rabbet joint or butt joint with at least two corrugated metal fasteners at each joint.

(3) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.516 Standards for plywood boxes.

(a) The identification code for a plywood box is 4D.

(b) Construction requirements for plywood boxes:

(1) Plywood used shall be at least 3 ply. It shall be made from well-seasoned rotary cut, sliced or sawn veneer, commercially dry and free from defects that would materially lessen the strength of the box. All adjacent plies shall be glued with water-resistant adhesive. Other suitable materials may be used together with plywood in the construction of boxes. Boxes shall be nailed or fastened to corner posts or ends or assembled with other equally suitable fastening devices.

(2) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.517 Standards for reconstituted wood boxes.

(a) The identification code for a reconstituted wood box is 4F.

(b) Construction requirements for reconstituted wood boxes:

(1) The box walls shall be made of water resistant particle board or hardboard.

(2) Other parts of the box may be made of other suitable material.

(3) Boxes shall be securely assembled by means of suitable devices.

(4) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.518 Standards for fiberboard boxes.

(a) The identification code for a fiberboard box is 4G.

(b) Construction requirements for fiberboard boxes:

(1) Strong and good-quality solid or double-faced corrugated fiberboard (single or multiwall) shall be used, appropriate to the capacity of the box and to the service it is intended to perform. The water-resistance of the outer surface shall be such that the increase in weight, as determined in a test carried out over a period of 30 minutes by the Cobb method of determining water absorption, is not greater than 155 grams per square meter

(0.0316 pounds per square foot)—see ISO International Standard 535-1976 (E). It shall have proper bending qualities. Fiberboard shall be cut, creased without scoring, and slotted so as to permit assembly without cracking, surface breaks, or undue bending. The fluting of corrugated fiberboard shall be firmly glued to the facings.

(2) The ends of boxes may have a wooden frame or be entirely of wood. Reinforcements of wooden battens may be used.

(3) Manufacturing joints in the body of boxes shall be taped, lapped, and glued, or lapped and stitched with metal staples. Lapped joints shall have an appropriate overlap. Where closing is effected by gluing or taping, a water resistant adhesive shall be used.

(4) Boxes shall be so designed as to provide a good fit to the contents.

(5) Maximum net mass: 400 kilograms (881.84 pounds).

§ 178.519 Standards for expanded plastic boxes.

(a) The identification code for an expanded plastic box is 4H.

(b) Construction requirements for expanded plastic boxes:

(1) The strength of the material and the construction of the box shall be appropriate to the capacity and its intended use.

(2) The box shall consist of two parts made of a moulded expanded-plastic material: A bottom section containing cavities for the inner receptacles, and a top section covering the interlocking with the bottom section.

(3) The top and bottom sections shall be so designed that the inner receptacles fit snugly.

(4) The closure cap for any inner receptacle may not be in contact with the inside of the top section of the box.

(5) For shipment, the box shall be closed with a pressure sensitive adhesive tape having sufficient tensile strength to prevent the box from opening. Other closing devices at least equally effective may be used.

(6) The adhesive tape shall be weather-resistant and its adhesives compatible with the expanded plastic material of the box.

(7) Maximum net mass: 60 kilograms (132.28 pounds).

§ 178.520 Standards for woven plastic bags.

(a) The following are identification codes for woven plastic bags:

(1) 5H1 for an unlined or non-coated woven plastic bag;

(2) 5H2 for a sift proof woven plastic bag; and

(3) 5H3 for a water-resistant woven plastic bag.

(b) Construction requirements for woven plastic fabric bags.

(1) Bags shall be made from stretched tapes or monofilaments of suitable plastic material. The strength of the material used and the construction of the bag shall be appropriate to the capacity of the bag and its intended use.

(2) Bags may be fitted with an inner liner, or given an inner coating, which is made of plastic or other suitable material.

(3) If the fabric is woven flat, the bags shall be made by sewing or some other method ensuring closure of the bottom and one side. If the fabric is tubular, the bag shall be closed by sewing, weaving, or some other equally strong method of closure. Seals and seams shall resist pressures and impacts occurring under normal conditions of transport.

(4) Bags, sift-proof, 5H2 shall be made sift-proof by means of: paper or a plastic film bonded to the inner surface of the bag; or one or more separate inner liners made of paper or plastic material or other equivalent means.

(5) Bags, water-resistant, 5H3 shall be made waterproof by means of: Separate inner liners of water-resistant paper (e.g., waxed kraft paper, double-tarred kraft paper or plastic-coated kraft paper), plastic film bonded to the inner or outer surface of the bag, one or more inner plastic liners, or other equivalent means.

(6) Maximum net mass: 50 kilograms (110.23 pounds).

§ 178.521 Standards for plastic film bags.

(a) The identification code for a plastic film bag is 5H4.

(b) Construction requirements for plastic film bags:

(1) Bags shall be made of a suitable plastic material. The strength of the material used and the construction of the bag shall be appropriate to the capacity of the bag and its intended use. Joints and closures shall be capable of withstanding pressures and impacts likely to occur under normal conditions of transport.

(2) Maximum net mass: 50 kilograms (110.23 pounds).

§ 178.522 Standards for textile bags.

(a) The following are identification codes for textile bags:

(1) 5L1 for an unlined or non-coated textile bag;

(2) 5L2 for a sift-proof textile bag; and

(3) 5L3 for a water-resistant textile bag.

(b) Construction requirements for textile bags:

(1) The textiles used shall be of good quality. The strength of the fabric and the construction of the bag shall be

appropriate to the capacity of the bag and its intended use.

(2) Bags, sift-proof, 5L2 shall be made sift-proof by the use of paper bonded to the inner surface of the bag by a water-resistant adhesive such as bitumen, plastic film bonded to the inner surface of the bag, or one or more inner liners made of paper or plastic material, or other equivalent means.

(3) Bags, water-resistant, 5L3 shall be made waterproof by the use of separate inner liners of water-resistant paper (e.g., waxed kraft, paper, tarred paper, or plastic-coated kraft paper); plastic film bonded to the inner surface of the bag; one or more inner liners made of plastic material; or other equivalent means.

(4) Maximum net mass: 50 kilograms (110.23 pounds).

§ 178.523 Standards for paper bags.

(a) The following are identification codes for paper bags:

(1) 5M1 for a multiwall paper bag not waterproofed; and

(2) 5M2 for a multiwall water-resistant paper bag.

(b) Construction requirements for paper bags:

(1) Bags shall be made of a suitable kraft paper, or of an equivalent paper with at least three plies. The strength of the paper and the construction of the bags shall be appropriate to the bag's capacity and intended use. Seams and closures shall be sift-proof.

(2) Paper bags 5M2, constructed of four plies or greater, shall be made water-resistant by the use of either a water-resistant ply as one of the two outermost plies or a water-resistant barrier made of a suitable protective material between the two outermost plies. A 5M2 bag, of three plies, shall be made waterproof by the use of a water-resistant ply as the outermost ply. Where there is danger of the packaged material reacting with moisture or where it is packed damp, a water-resistant ply or barrier shall be placed next to the substance. Seams and closures shall be waterproofed.

(3) Maximum net mass: 50 kilograms (110.23 pounds).

§ 178.524 Standards for composite packagings with inner plastic receptacles.

(a) The following are the identification codes for composite packagings with inner receptacles of plastic:

(1) 6HA1 for a plastic receptacle within a protective steel drum;

(2) 6HA2 for a plastic receptacle within a protective steel crate;

(3) 6HD1 for a plastic receptacle within a protective plywood drum;

(4) 6HD2 for a plastic receptacle within a protective plywood box;

(5) 6HG1 for a plastic receptacle within a protective fiber drum;

(6) 6HG2 for a plastic receptacle within a protective fiberbox; and

(7) 6HH1 for a plastic receptacle within a protective plastic drum;

(b) Construction requirements for composite packaging within inner receptacles of plastic:

(1) Inner receptacles shall be constructed under the applicable construction requirements prescribed in § 178.509(b)(1) through (7).

(2) Plastic receptacles shall fit snugly inside the other protection which shall be free of any projections which may abrade the plastic material.

(3) Protective packaging:

(i) 6HA1: Protective packaging shall comply with the requirements for steel drums in § 178.505(b).

(ii) 6HA2: Protective packaging with steel wire, if used, shall be free of any projection that might abrade the inner receptacle.

(iii) 6HD1: Protective packaging shall comply with the requirements for plywood drums, in § 178.507(b).

(iv) 6HD2: Protective packaging shall comply with the requirements of plywood boxes, in § 178.516(b).

(v) 6HG1: Protective packaging shall comply with the requirements for fiber drums, in § 178.508(b).

(vi) 6HG2: Protective packaging shall comply with the requirements for fiberboard boxes, in § 178.518(b).

(vii) 6HH1: Protective packaging shall comply with the requirements for plastic drums, in § 178.509(b).

(4) Maximum capacity of inner receptacles:

(i) 6HA1, 6HD1, 6HG1, 6HH1—250 liters (66.05 gallons).

(ii) 6HA2, 6HD2, 6HG2—60 liters (15.85 gallons).

§ 178.525 Standards for composite packagings with inner glass, porcelain, or stoneware receptacles.

(a) The following are identification codes for composite packagings with inner receptacles of glass, porcelain, or stoneware:

(1) 6PA1 for glass, porcelain or stoneware receptacles within a protective steel drum;

(2) 6PA2 for glass, porcelain or stoneware receptacles within a protective steel crate;

(3) 6PD1 for glass, porcelain or stoneware receptacles within a protective plywood drum;

(4) 6PD2 for glass, porcelain or stoneware receptacles within a protective wickerwork hamper;

(5) 6PG1 for glass, porcelain or stoneware receptacles within a protective fiber drum; and

(6) 6PH1 for glass, porcelain or stoneware receptacles within a protective plastic or expanded plastic packaging.

(b) Construction requirements for composite packagings with inner receptacles of glass, porcelain, or stoneware:

(1) Inner receptacles:

(i) Receptacles shall be of suitable form (cylindrical or pear-shaped) and be made of good quality material free from any defect that could impair their strength. The walls shall be sufficiently thick at every point.

(ii) Screw-threaded plastic closures, ground glass stoppers, or closures at least equally effective shall be used as closures for receptacles. Any part of the closure likely to come into contact with the contents of the receptacle shall be resistant to those contents.

(iii) Closures shall be fitted so as to be leakproof and suitably secured to prevent any loosening during transportation.

(iv) If vented closures are necessary, they shall be leakproof.

(v) The receptacles shall be firmly secured in the outer packaging by means of cushioning and/or absorbent materials.

(2) Protective packaging:

(i) For receptacles with protective steel drum 6PA1, the drum shall comply with the requirements of § 178.505(b). The removable lid required for this type of packaging may, nevertheless, be in the form of a cap.

(ii) For receptacles with protective packaging of steel, steel-wire or steel-band crate 6PA2, the protective packaging shall comply with the following:

(A) In the case of cylindrical receptacles, the protective packaging shall, when upright, rise above the receptacle and its closure.

(B) If the protective crate surrounds a pear-shaped receptacle and is of matching shape, the protective packaging shall be fitted with a protective cover (cap).

(iii) For receptacles with protective plywood drum 6PD1 the requirements of § 178.507(b) apply to the protective packaging. The body and head seams shall be leakproof.

(iv) For receptacles with protective wickerwork hamper 6PD2 the wickerwork hamper shall be properly made with material of good quality. The hamper shall be fitted with a protective cover (cap) so as to prevent damage to the receptacle.

(v) For receptacles with protective fiber drum 6PG1, the drum shall comply with requirements of § 178.508(b). The ends shall be of leakproof material.

(vi) For receptacles with protective plastic or expanded plastic packaging 6PH1, the protective packaging shall be manufactured from high-density polyethylene or from some other comparable plastic material whose quality and stability correspond to those of plastic drums meeting the requirements of § 178.509(b). Protective expanded plastic packaging shall meet the construction requirements of § 178.519(b). The removable lid required for this type of packaging may be a cap.

(3) Maximum capacity of receptacles:

(i) Liquid capacity: 60 liters (15.85 gallons).

(ii) Maximum net mass: 75 kilograms (165.35 pounds).

11. A new Subpart M would be added to read as follows:

Subpart M—Testing of Packagings and Packages

Sec.

178.600 Purpose and scope.

178.601 General requirements.

178.602 Preparation of packagings and packages for testing.

178.603 Drop test.

178.604 Leakproofness test with air.

178.605 Hydrostatic pressure test.

178.606 Stacking test.

178.607 Cooperage test for bung type wooden barrels.

178.608 Chemical compatibility test for plastic receptacles.

Subpart M—Testing of Packagings and Packages

§ 178.600 Purpose and scope.

This subpart prescribes certain testing requirements for performance-oriented packagings identified in Subpart L of this part.

§ 178.601 General requirements.

(a) The test procedures prescribed in this subpart are minimum requirements; each packaging must be capable of successfully passing the prescribed tests.

(b) It is the responsibility of both the packaging manufacturer and the shipper (if the shipper performs any assembly functions on the package including final closure) to assure that packages are capable of passing the prescribed tests.

(c) Successful test results shall be achieved on each type of package before being offered for transportation. A package type is defined by the design, size, material, manner of construction and packing, and may include various surface treatments. It also includes receptacles of the same structural

design, wall thickness, material, and cross-section which differ only in their lesser design heights from the design type.

(d) Tests shall also be repeated on production samples at intervals established by the manufacturer, that will ensure that packagings are capable of passing the prescribed tests.

(e) Tests shall be repeated after each modification which alters the design, material, or manner of construction of a packaging.

(f) The Associate Director for HMR may approve the selective testing of packages that differ only in minor respects from a testing type, including packagings containing a lesser number or smaller sizes of inner packagings, or with inner packagings of lower net mass; and packagings such as drums, bags, and boxes which are produced with small reductions in dimension.

(g) Where several types of combination packaging, having different types of inner packaging, have been tested, the various inner packagings may also be assembled in a single outer packaging if the shipper certifies that this package meets the test requirements.

(h) The Associate Director for OE may, at any time in accordance with Subpart D of Part 107 of this chapter require proof through tests in accordance with this section that serially-produced packagings meet the requirements of the design-type tests.

(i) If an inner treatment or coating is required for safety reasons, it shall retain its protective properties even after the tests.

§ 178.602 Preparation of packagings and packages for testing.

(a) Tests shall be carried out on packagings and packages as prepared for transport, including inner receptacles in the case of combination packagings.

(b) For the drop and stacking test, inner and single-unit receptacles shall be filled to not less than 95 percent of their capacity in the case of solids and 98 percent in the case of liquids. The materials to be transported in the packagings may be replaced by non-hazardous materials, except for chemical compatibility test or where this would invalidate the results of the tests.

(c) If the materials to be transported are replaced for test purposes by non-hazardous materials, the materials used shall be of the same specific gravity as the materials to be carried and their other physical properties (grain, size, viscosity) shall correspond as closely as possible to those of the materials being shipped.

(d) Paper or fiberboard packagings shall be conditioned for at least 24 hours in an atmosphere maintained at 50 percent relative humidity, ± 2 percent and at a temperature of 23°C , $\pm 2^{\circ}\text{C}$ (73°F $\pm 4^{\circ}\text{F}$). They may, alternatively, be conditioned for at least 24 hours in an atmosphere maintained at 65 percent relative humidity, ± 2 percent and at a temperature of 20°C , $\pm 2^{\circ}\text{C}$ (68°F $\pm 4^{\circ}\text{F}$), or 27°C $\pm 2^{\circ}\text{C}$ (80°F $\pm 4^{\circ}\text{F}$). Preparation at ambient conditions is considered equivalent for production testing.

(e) Each packaging shall be closed in preparation for testing in the same

manner as if prepared for actual shipment. All closures shall be installed using proper techniques and torques.

(f) Bung-type barrels made of natural wood shall be left filled with water for at least 24 hours before the tests.

(g) Plastic receptacles shall be subjected to the chemical compatibility test provided in § 178.608 before undergoing the drop, stacking and, where applicable, internal pressure and leakproofness tests.

§ 178.603 Drop test.

(a) The number of drops required and the packages' orientation is as follows:

Packaging	Number of test samples	Drop orientation
Steel drums, aluminum drums, steel jerricans, plywood drums, wooden barrels, fiber drums, plastic drums and jerricans, composite packagings (plastic material) (6HA1, 6HD1, 6HG1, 6HH1), composite packagings (glass, porcelain, stoneware), tinplate and light-metal receptacles.	Six (three for each drop)	First drop (using three samples): the packaging must strike the target diagonally on the chime or, if the packaging has no chime, on a circumferential seam or an edge. Second drop (using the other three samples): the packaging must strike the target on the weakest part not tested by the first drop, for example a closure or, for some cylindrical drums, the welded longitudinal seam of the drum body.
Boxes of natural wood, plywood boxes, reconstituted wood boxes, fiberboard boxes, expanded plastic boxes, steel or aluminum boxes, composite packagings (plastic material) (6HA2, 6HD2, 6HG2).	Five (one for each drop)	First drop: flat on the bottom. Second drop: flat on the top. Third drop: flat on the long side. Fourth drop: flat on the short side. Fifth drop: on a corner.
Textile bags, paper bags	Three (two drops per bag)	First drop: flat on a face of the bag. Second drop: on the end of the bag.
Woven plastic bags, plastics film bags	Three (three drops per bag)	First drop: flat on a wide face. Second drop: flat on a narrow face.

(b) *Special preparation of test samples for the drop test.* Testing of plastic drums and jerricans, composite packagings with inner plastic receptacles, and of combination packagings plastic receptacles other than expanded plastic boxes and bags, shall be carried out when the temperature of the test sample and its contents has been reduced to -18°C (0°F) or lower. Liquids shall maintain their liquid state by the addition of anti-freeze, if necessary.

(c) *Target.* The target shall be a rigid, non-resilient, flat and horizontal surface.

(d) *Drop height* (measured as the vertical distance from the target to the lowest point on the package).

(1) For solids and liquids, if the test is performed with the solid or liquid to be carried or with a non-hazardous material having essentially the same physical characteristic the drop height must be:

- (i) Packing Group I, 1.8 meters (5.91 feet).
 - (ii) Packing Group II, 1.2 meters (3.94 feet).
 - (iii) Packing Group III, 0.8 meters (2.62 feet).
- (2) For liquids, if the test is performed with water:

(i) Where the materials to be carried have a specific gravity not exceeding 1.2 the distance must be:

- (A) Packing Group I, 1.8 meters (5.91 feet).
- (B) Packing Group II, 1.2 meters (3.94 feet).
- (C) Packing Group III, 0.8 meters (2.62 feet).

(ii) Where the materials to be transported have a specific gravity exceeding 1.2, the drop height shall be calculated on the basis of the specific gravity (S.G.) of the material to be carried, rounded up to the first decimal, as follows:

- (A) Packing Group I, $\text{SG} \times 1.5$ meters (4.92 feet).
- (B) Packing Group II, $\text{SG} \times 1.0$ meter (3.2 feet).
- (C) Packing Group III, $\text{SG} \times 0.67$ meters (2.25 feet).

(e) *Criteria for passing the test.* A package is considered to successfully pass the drop tests if:

- (1) For receptacles containing liquid, they are leakproof when equilibrium has been reached between the internal and external pressures.
- (2) For removable head drums for solids, the entire contents are retained by an inner packaging (e.g., a plastic bag) even if the closure on the top head of the drum is no longer sift-proof.

(3) For a bag, neither the outermost ply nor an outer packaging shall exhibit any damage likely to adversely affect safety during transport.

(4) For a composite or combination packaging there is no damage to the outer packaging likely to adversely affect safety during transport, and there is no leakage of the filling substance from the inner packaging.

(5) A slight discharge from the closure upon impact shall not be considered to be a failure of the packaging provided that no further leakage occurs.

§ 178.604 Leakproofness test with air.

(a) *General.* The leakproofness test shall be performed with compressed air or other suitable gases on all packagings intended to contain liquids; however, this test is not required for the inner receptacles of combination packagings or composite packagings (glass, porcelain, or stoneware), nor for removable head receptacles intended for solids or for viscous liquids.

(b) *Number of test samples.* Three test samples are required per design type and manufacturer.

(c) *Special preparation of test samples for the test.* Vented closures shall either be replaced by similar non-vented closures or the vent shall be sealed.

(d) *Test method.* The test samples shall be completely immersed in water and shall be kept under water in such a way as not to distort the result of the test. The seams or any part of the receptacle where leakage might occur may also be covered with soap solution, heavy oil, or other suitable liquid. Other methods at least equally effective, such as the air-pressure differential test ("air-pocket test") may also be used.

(e) *Pressure applied.* Air pressure must be applied to the container as indicated for the following packing groups:

- (1) Packing Group I, Not less than 30 kilopascals (4.35psi).
- (2) Packing Group II, Not less than 20 kilopascals (2.90psi).
- (3) Packing Group III, Not less than 20 kilopascals (2.90psi).

(f) *Criteria for passing the test.* There shall be no leakage of air from the packaging.

§ 178.605 Hydrostatic pressure test.

(a) *Packagings to be tested.* The hydrostatic pressure test shall be carried out on all metal, plastic, and composite receptacles intended to contain liquids. Except for air transport, this test is not required for inner packagings of combination packagings.

(b) *Number of test samples.* Three test samples are required per design type and manufacturer.

(c) *Special preparation of receptacles for testings.* Vented closures shall either be replaced by similar non-vented closures or the vent shall be sealed.

(d) *Test method and pressure to be applied.* Metal receptacles and their closures shall be subjected to the test pressure for 5 minutes. Plastic receptacles and composite packagings with inner plastic receptacles and their closures shall be subjected to the test pressure for 30 minutes. In addition, packagings intended to contain hazardous materials of Packing Group I shall be tested to a minimum test pressure of 250 kilopascals (36.26psi) for a test period of 5 minutes for metal containers or 30 minutes for plastic containers. Closures of less than 7 centimeters (2.75 inches) in diameter may be replaced during this additional test. The receptacles shall be supported in a manner that does not invalidate the test. The test pressure shall be applied continuously and evenly and it shall be kept constant throughout the test period. The hydraulic pressure (gauge) applied, taken at the top of the receptacle, and determined by any one of the following methods shall be:

(1) Not less than the total gauge pressure measured in the receptacle (i.e., the vapor pressure of the filling material and the partial pressure of the air or other inert gases minus 100 kilopascals (14.50 psi)) at 55° C (131° F) and multiplied by a safety factor of 1.5. This total gauge pressure shall be determined on the basis of a degree of filling in accordance with § 173.24(b)(2) and a filling temperature of 15° C (59° F);

(2) Not less than 1.75 times the vapor pressure at 50° C (122° F) of the material to be transported minus 100 kilopascals (14.50 psi) but with a minimum test pressure of 100 kilopascals (14.50 psi); or

(3) Not less than 1.5 times the vapor pressure at 55° C (131° F) of the material to be transported minus 100 kilopascals (14.50 psi), but with a minimum test pressure of 100 kilopascals (14.50 psi).

(e) *Pressure test requirements for air transport.* Additional pressure test requirements for air transport may exceed the pressure test required by paragraph (d) of this section.

(f) *Criteria for passing the test.* A packaging is considered to successfully pass the hydrostatic test only when there is no detectable leak.

§ 178.606 Stacking test.

(a) *General.* All packagings, other than bags, shall be subjected to a stacking test.

(b) *Number of test samples.* Three test samples are required per design type and manufacturer.

(c) *Test method.* The test sample shall be subjected to a force applied to the top surface of the test sample equivalent to the total weight of identical packages which might be stacked on it during transport. The minimum height of the stack, including the test sample, shall be 3 meters (9.84 feet). The duration of the test shall be 24 hours, except that plastic drums and jerricans intended for liquids shall be subjected to the stacking test for a period of 28 days at a temperature of not less than 40° C (104° F).

(d) *Criteria for passing the test.* No test sample shall show any deterioration which could adversely affect transport safety or any distortion likely to reduce its strength or cause instability in stacks of packages. Stacking stability is considered sufficient when, after the stacking test, and, in the case of plastic receptacles, after cooling to ambient temperature, two receptacles of the same type filled with water placed on each test sample maintain their position for one hour. No test sample shall leak. In composite packagings or combination packagings, there shall be no leakage of the filling substance from the inner receptacle, or inner packaging.

§ 178.607 Cooperage test for bung type wooden barrels.

(a) *Number of samples.* One barrel is required per design type and manufacturer.

(b) *Method of testing.* Remove all hoops above the bilge of an empty barrel at least two days old.

(c) *Criteria for passing the test.* A packaging is considered to successfully pass the cooperage test only if the diameter of the cross section of the upper part of the barrel shall not increase by more than 10 percent.

§ 178.608 Chemical compatibility test for plastic receptacles.

(a) *General.* All packages where plastic comes in contact with liquid hazardous materials shall be subjected to the chemical compatibility test. This test is conducted by filling the receptacle to be tested with the hazardous material to be transported and storing the receptacle for 180 days at ambient temperature. At the end of that time, the receptacles shall be examined for signs of deterioration, swelling, crazing, cracking, excessive corrosion, or other defects likely to cause premature failure.

(b) *Number of samples.* Three test samples are required per design type and manufacturer.

(c) *Alternative methods.* Historical evidence of compatibility or alternative

test methods may be used if authorized by the Associate Director, for HMR.

(d) *Test preparation.* Each step must be accomplished in the following order:

(1) The empty (tare) mass of each of the test receptacles shall be determined to an accuracy of 0.01%.

(2) The test receptacles shall be filled with the hazardous material and at the actual concentration to be transported, and closed according to the procedures in § 178.601.

(3) The filled (gross) mass of each of the test receptacles shall be determined to an accuracy of 0.01%.

(4) The test receptacles shall be placed in a suitable storage area.

(5) Inner receptacles may be placed in outer packagings or supported to the extent that they would be supported when placed in outer packagings.

(6) For the first and last 24 hours of storage, the test samples shall be placed with the closure downwards.

Receptacles fitted with a vent shall be so placed on each occasion for 5 minutes only.

(f) *Test procedure.* Each step must be accomplished in the following order:

(1) The test receptacles must be stored for 180 days at a temperature not lower than 18° C (64° F). Materials which become unstable under certain conditions of temperature shall be stored at 4° C (7° F) below that temperature for the 180 days.

(2) At the end of the storage period, an examination of the exterior of each receptacle for evidence of leakage or excessive deformation must be performed.

(3) The filled (gross) mass of each of the test receptacles shall be determined to an accuracy of 0.01%.

(4) The receptacles must be emptied and cleared to remove any exterior or interior contamination.

(5) The empty (tare) mass of each of the test receptacles shall be determined to an accuracy of 0.01%.

(6) An examination of each test receptacle to detect evidence of deterioration must be performed.

(g) *Criteria for passing test.* A packaging shall be considered to have successfully passed the chemical compatibility test for plastic receptacles only if:

(1) The receptacles show no signs of leakage, deterioration, swelling, crazing, cracking, excessive corrosion or other defects likely to cause or indicate premature failure.

(2) The loss of contents, expressed as a percentage of the original net mass, does not exceed:

(i) 0.25% for hazardous materials having an oral toxicity of less than 20 mg/kg (LD₅₀, oral rat) or a dermal toxicity of less than 80 mg/kg (LD₅₀, dermal rat), or

(ii) 1.0% for all other hazardous materials.

(3) The change in tare mass of the receptacle, expressed as a percentage of the original tare mass, does not exceed 0.2%.

(h) The drop test for plastic packagings specified in § 178.603 shall be performed after the packagings have passed the chemical compatibility test.

This ANPRM is a preliminary document and solicits information on the impacts of adopting a regulatory system based on the UN Recommendations. Because DOT lacks data on these impacts, it is unable to make a determination as to whether or not the adoption of such a regulatory system would result in a "major rule" under the terms of Executive Order 12291 and DOT Implementing procedure (44 FR 11034) or to determine beyond a preliminary assessment that an environmental impact statement will be required under the National Environmental Policy Act (49 USC 4321 et seq.). These determinations will be made should this project advance to the Notice of Proposed Rulemaking stage.

Issued at Washington, D.C., on April 8, 1982

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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Test Report

Thursday
April 15, 1982

Part III

Department of Transportation

Federal Aviation Administration

Special Issuance of Airman Medical
Certificates and Revision of
Cardiovascular and Alcoholism Standards;
Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 67

[Docket No. 21130, Amdt. No. 67-11]

Special Issuance of Airman Medical Certificates and Revision of Cardiovascular and Alcoholism Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the special discretionary procedures for issuing airman medical certificates to persons who do not qualify for certification under §§ 67.13, 67.15, or § 67.17 of the Federal Aviation Regulations. These procedures will now be available to individuals with certain medical conditions who previously had to seek a formal exemption from the regulations. It makes available a simpler administrative procedure that is expected to reduce the time applicants must wait for a decision. The revised rule also emphasizes that in making medical certification decisions for these individuals the FAA considers the right of the private pilot to accept greater risk to self than the commercial or airline transport pilot may accept, as long as safety for others in air commerce is not endangered.

In compliance with Executive Order 12291, Federal Regulation, the FAA intends to conduct a complete review of the FAA's medical standards. In the interim, this amendment also clarifies the medical standards in §§ 67.13, 67.15, and 67.17 for applicants with a medical history or clinical diagnosis of heart disease. Although the pending review of all the medical standards in Part 67 could result in significant changes to that part, this interim clarification is needed to eliminate confusion about the standards that has resulted in quasijudicial decisions directing the certification of individuals who are subject to the incapacitating health effects of heart disease. These decisions have required issuance of certificates without the monitoring which is needed to assess risk to the safe operation of aircraft and to other persons in the air and on the ground. Individuals who are disqualified under these standards may be certificated, where appropriate, through the discretionary special issuance procedures by which adequate monitoring and other appropriate limitations may be imposed.

This amendment also revises the standard for the certification of

individuals with a medical history or clinical diagnosis of alcoholism, to qualify individuals who provide evidence of adequately restored health. This relief has previously been granted only through the formal exemption process.

EFFECTIVE DATE: May 17, 1982.

FOR FURTHER INFORMATION CONTACT: William H. Hark, M.D., Aeromedical Standards Division, Office of Aviation Medicine, Associate Administrator for Aviation Standards, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426-3802.

SUPPLEMENTARY INFORMATION: On December 1, 1980, the FAA issued Notice of Proposed Rulemaking No. 80-24 (45 FR 80296; December 4, 1980), proposing to articulate in Part 67 the exemption procedures for issuing airman medical certificates to persons who do not qualify for certification under the medical standards in §§ 67.13, 67.15, or § 67.17. Notice 80-24 also proposed to revise the medical standard for applicants with a medical history or clinical diagnosis of heart disease. A public hearing on this notice was held on February 3 and 4, 1981. All interested persons have been given an opportunity to participate in the making of the proposed regulations, and due consideration has been given to all matters presented.

Summary

After consideration of all the comments received in response to Notice 80-24 and presented at the public hearing, the FAA has taken the following actions in adopting this final rule:

1. In accordance with Executive Order 12291, Federal Regulation, the FAA has decided that it should undertake an overall review of the medical standards in Part 67 of the Federal Aviation Regulations. This total and comprehensive review will be a major rulemaking effort to obtain the views of the medical profession and all interested parties, and could result in significant revision of Part 67.

2. To improve the responsiveness of the medical certification system, the special issuance procedures in § 67.19 are being amended to apply them to all medical conditions, including those for which relief was previously granted only by exemption. The exemption procedures proposed in Notice 80-4 are not being added to Part 67 since the practice of granting relief through these procedures will be discontinued. This procedural reform is expected to decrease the time an applicant must wait for a decision on certification by

reducing the administrative burden on the FAA.

3. To expedite access to the National Transportation Safety Board (NTSB), in many cases, this final rule revises § 67.25 to increase the instances in which the denial of a certificate by an official other than the Federal Air Surgeon may be considered the final decision by the Administrator that is necessary before the applicant can appeal to the NTSB. (This will not, however, preclude a request for further consideration by the Federal Air Surgeon, in consultation with appropriate medical specialists, should the applicant so desire.)

4. To make it possible for certain airmen to perform activities that can be safely performed with their specific physical capabilities and overall medical condition, this final rule delegates authority to place functional limitations on medical certificates issued under § 67.19 to the Federal Air Surgeon, in coordination with the Director of Flight Operations. The rule limits their use to second- and third-class medical certificates, without prejudicing those individuals already holding first-class certificates with functional limitations.

5. To state clearly the FAA's policy, § 67.19 is being amended to state that, in granting discretionary special issuances to applicants for private pilot certificates, the Federal Air Surgeon considers the freedom of these applicants to accept reasonable risks to their person and property that are not acceptable in the exercise of commercial or airline transport privileges, and, at the same time, considers the need to protect the public safety of persons and property in other aircraft and on the ground.

6. To eliminate confusion over the meaning of the cardiovascular standards in §§ 67.13(e)(1), 67.15(e)(1), and 67.17(e)(1) and thus avoid the possibility of unrestricted certification of individuals who do not meet those standards, the FAA is adopting an interim clarification of those provisions. Notwithstanding their clarification at this time, the cardiovascular standards, along with all other medical standards, will be made the subject of the overall review of Part 67.

7. To ensure that the alcoholism standard in Part 67 clearly conforms to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, the applicable provisions are being revised. The standard itself will now provide for certification of individuals who submit clinical evidence of recovery, including,

among other things, a 2-year period of sustained abstinence. This will provide relief in the certification standard itself to many individuals who in the past could seek certification only through the exemption process.

Background

Medical Certification of Airmen

Part 67 of the Federal Aviation Regulations (14 CFR Part 67) provides for the issuance of three classes of medical certificates. A first-class medical certificate is required to exercise the privileges of an airline transport pilot certificate. Second- and third-class medical certificates are needed for commercial and private pilot certificates, respectively.

An applicant who is found to meet the appropriate medical standards, based on a medical examination and an evaluation of the applicant's history and condition, is entitled to a medical certificate without restrictions or limitations other than the prescribed limits as to its duration. These medical standards are set forth in §§ 67.13, 67.15, and 67.17 (14 CFR 67.13, 67.15, and 67.17).

An applicant for a medical certificate who is unable to meet the standards in §§ 67.13, 67.15, or 67.17 may nevertheless be issued an appropriate medical certificate under one of two procedures. These procedures have always been available, and, thus, these standards have never been "absolutely disqualifying," in the sense that certification was permanently denied all who did not meet the standards.

Under § 67.19, "Special issue: operational limitations," at the discretion of the Federal Air Surgeon, acting on behalf of the Administrator under § 67.25, a special flight test, practical test, or medical evaluation may be conducted to determine that, notwithstanding the applicant's failure to meet the applicable medical standard, airman duties can be performed, with appropriate limitations or conditions, without endangering safety in air commerce. If this determination can be made, a medical certificate may be issued with appropriate limitations to ensure safety.

Prior to this amendment, however, applicants with certain medical conditions could not use the special issuance procedures in § 67.19. That section has not allowed a special issuance of a medical certificate to applicants with an established medical history or clinical diagnosis of any of the following: (1) A personality disorder severe enough to have repeatedly manifested itself by overt acts; (2) a

psychosis; (3) alcoholism; (4) drug dependence; (5) epilepsy; (6) a disturbance of consciousness without satisfactory medical explanation of the cause; (7) myocardial infarction; (8) angina pectoris or other evidence of coronary heart disease that the Federal Air Surgeon finds may reasonably be expected to lead to myocardial infarction; or (9) diabetes mellitus that requires insulin or another hypoglycemic drug for control. (The one exception to this policy has been for air traffic control tower operators.)

The second procedure open to an applicant denied certification under §§ 67.13, 67.15, or 67.17 (and the only one previously available to those with conditions excluded from § 67.19) has been to petition for a formal exemption from the specific medical standard he or she has failed to meet, in accordance with § 11.25, "Petitions for rulemaking and exemptions" (14 CFR 11.25). If the relief requested was in the public interest and provided a level of safety equivalent to that provided by the standard, an exemption was issued authorizing an appropriate medical certificate.

Proposed Amendment

Notice 80-24 proposed specific exemption procedures for Part 67. They were proposed in response to a Federal District Court decision in the case of "Delta Air Lines, Inc., v. United States, et al.", 490 F. Supp. 907 (N.D. Ga. 1980) ("Delta" case). In that case Delta Air Lines challenged the authority of the Federal Air Surgeon to place certain limitation on airman medical certificates issued under the authority of exemptions from Part 67 and questioned the propriety of issuing exemptions at all under the current regulatory structure of Part 67.

In its decision the Court found that the Federal Air Surgeon, in granting exemptions from Part 67, had acted improperly in placing functional limitations on the medical certificates issued under the authority of exemptions as well as those issued under § 67.19. These functional limitations (such as "not valid for pilot-in-command duties") restrict the position which an airman can hold in the cockpit. The Court found that the Federal Air Surgeon had not been delegated authority to impose these limitations.

The Court distinguished these limitations from operational limitations which, the Court found, are properly placed on medical certificates. They relate to procedures by which the applicant can be enabled to perform his or her duties (such as "pilot must wear

corrective lenses" or, for pilots with defective color vision, "not valid for night flight or by color signal control").

Second, the Court found that in issuing exemptions from the nine areas excepted from the special issuance procedures in § 67.19, the FAA had effectively amended Part 67. Although the FAA's evolving procedures were based on the advance of medical technology, the Court determined this change in policy had not been adopted in accordance with the Administrative Procedure Act.

While Notice 80-24 proposed explicit exemption procedures for Part 67 with special emphasis on the nine areas excluded from § 67.19, the FAA has now determined that it should not continue to use the formal exemption process to grant relief to individuals who do not meet the medical standards for certification in §§ 67.13, 67.15, and 67.17. Instead, this relief can be provided more efficiently through the special issuance procedures and, to facilitate this, the nine exclusions are being deleted from § 67.19.

Exemption Process

A complex administrative procedure is involved in processing a formal petition for exemption from the medical standards of the Federal Aviation Regulations. It requires the preparation of extensive and detailed documents, the establishment of a public docket, and action by the Federal Air Surgeon and the Chief Counsel, on behalf of the Administrator. It creates an additional burden for the FAA and the airman seeking relief from disqualification under the medical standards. Moreover, as medical evaluation and treatment techniques have improved, increasing numbers of airmen with serious conditions have sought, and been granted, medical certification through the exemption process as the only avenue of relief available. The resulting increases in administrative processing time inconvenience petitioners, and the additional expenditure of FAA resources is significant. Numerous comments to Notice 80-24 indicate dissatisfaction with this system.

Special Issuance Procedures

The FAA's experience indicates that the medical certification of airmen with a history of serious illness is no longer unusual. It has determined that evaluation utilizing a broad range of medical expertise can be obtained through the more routine procedures for a special issuance under § 67.19, thereby reducing administrative delays and costs. By removing the nine exclusions

from this section, any airman found to have a specifically disqualifying condition under the medical standards of Part 67 may request an evaluation by the Federal Air Surgeon; the Chief, Aeromedical Certification Branch, Civil Aeromedical Institute; or a Regional Flight Surgeon for the special issuance of a medical certificate under § 67.19.

Years of experience with the special issuance of medical certificates in cases other than the nine excluded conditions indicate that extension of the authority to the Chief, Aeromedical Certification Branch, Civil Aeromedical Institute, and the Regional Flight Surgeons to include those specified conditions will not impact adversely on airmen or on the safety of the certification process.

When a medical condition previously excluded from § 67.19 is involved, factors that will generally be considered in determining whether such an issuance is appropriate are, with some revision, those proposed in Notice 80-24 for consideration under exemption procedures. They are discussed later in this preamble.

Thus, by reducing the administrative delays of the exemption process and by decentralizing the decision authority in cases of specifically disqualifying conditions, significant improvements in system responsiveness and efficiency are possible.

Final Denial of Medical Certificates

Section 67.25 is being revised to give the Chief of the Aeromedical Certification Branch of the Civil Aeromedical Institute and the Regional Flight Surgeons additional authority to issue denials of medical certificates that are "final" for the purposes of appeal to the NTSB. Previously, the authority to issue a denial under Section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422), i.e., a "denial by the Administrator," had been delegated only in the case of the nine medical conditions specified in §§ 67.13(d)(1)(i), (d)(2)(i), (e)(1), and (f)(1); 67.15(d)(1)(i), (d)(2)(i), (e)(1), and (f)(1); and 67.17(d)(1)(i), (d)(2)(i), (e)(1), and (f)(1). Since final denial under section 602 of the Federal Aviation Act of 1958 is required before an appeal can be taken to the National Transportation Safety Board, this change will speed and simplify the review process for additional applicants.

Under this amendment a final denial of a medical certificate may now be issued by one of these officials in all cases except those involving an unspecified mental or neurologic condition or general medical condition that is disqualifying because of a finding by the Federal Air Surgeon that the

condition makes the applicant unable to perform airman duties safely or may reasonably be expected, within 2 years, to make him unable to perform those duties safely. (These conditions are specified in §§ 67.13(d)(1)(ii), (d)(2)(ii), and (f)(2); 67.15(d)(1)(ii), (d)(2)(ii), and (f)(2); and 67.17(d)(1)(ii), (d)(2)(ii), and (f)(2).) The cases frequently involve unique situations for which uniform guidance cannot be prepared and which require the application of special medical expertise and careful individualized review. For this reason, any final denial should be by the Federal Air Surgeon, personally, on behalf of the Administrator.

It should be noted that, notwithstanding this delegation, an applicant may still seek reconsideration by the Federal Air Surgeon of any denial by one of these officials. As appropriate during this reconsideration, the Federal Air Surgeon will continue the practice of consulting with a group of medical specialists from outside the FAA.

No Change in Policy

While this amendment changes the procedure by which certificates are issued to certain individuals who have been disqualified under §§ 67.13, 67.15, and 67.17, it does not reflect a change in the policies of the FAA with respect to determining whether those individuals are medically acceptable for exercise of airman privileges. The certification process will continue to utilize, where appropriate, objective consultant medical specialists whose opinions will ensure specialized expertise in the review of medical certificate cases. Using every appropriate evaluative technique, the Federal Air Surgeon, acting on behalf of the Administrator, will continue to issue medical certificates to applicants who are able to perform airman duties without endangering safety in air commerce, after considering all available information on the applicant, the natural history of the disqualifying medical condition, and the need for any limitations.

Acceptance of Medical Risk by Certain Pilots

In deciding whether to issue a certificate under § 67.19, the Federal Air Surgeon must balance the needs and desires of the applicant against the risks to society. The FAA recognizes that individuals should be allowed the maximum freedom of choice, consistent with safety in air commerce, in deciding the extent to which their exercise of airman privileges should be limited by their personal health.

On the one hand, safety in air commerce demands that an individual with a potentially incapacitating medical condition not be allowed to operate aircraft under circumstances in which there would be a significant risk of injury to other persons in the air or on the ground, or of substantial damage to the property of others. On the other hand, there are situations in which such an individual could operate an aircraft for recreation or transportation, even when it is incidental to an occupation, without significant risks to others, but accepting some risks to his or her own person.

The commercial or airline transport pilot, in virtually every circumstance, has the life or property of another individual in his or her care. For this reason, if there is a reasonable risk that such a pilot may experience an incapacitating medical event, even though that risk may be relatively small, the Federal Air Surgeon must consider the degree of protection to which the public is entitled in commercial operations. When transportation by an air carrier is involved, the Federal Aviation Act requires the Administrator, on whose behalf the Federal Air Surgeon acts, "to consider the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest" (49 U.S.C. 1421).

The private pilot, however, is not in the business of providing safe transportation of another's person and property. If the risk of incapacitation is sufficiently remote, so that persons in other aircraft and on the ground are not endangered, it is not necessary to impose those limitations on the pilot that would be designed to provide the extra level of protection to which the public is entitled in the case of a commercial or airline transport pilot. Thus, when reasonable safeguards of other individuals are provided, the private pilot should be allowed to return to flying after recovery from, or control of, potentially incapacitating disease has been clearly established. This amendment revises § 67.19 to state this policy governing special issuance of third-class medical certificates.

Changes to § 67.19

Notice 80-24 proposed to add a new § 67.18 to specifically state that exemptions from §§ 67.13, 67.15, and 67.17 are issued in accordance with Part 11 (14 CFR Part 11), and that petitions for exemption from that part are granted or denied by the Federal Air Surgeon. Since all relief to qualifying individuals is now expected to be provided through

§ 67.19, proposed § 67.18 is not being adopted.

Paragraph (b) of proposed § 67.18 would have specified the limitations and conditions that the Federal Air Surgeon may place on a certificate. This paragraph is being adopted as part of § 67.19. It provides that the Federal Air Surgeon may limit the duration of the certificate, condition the continued effect of the certificate on the results of subsequent medical tests, examinations, or evaluations, and impose any operational limitation on the certificate needed for safety. Historically, conditions and limitations such as these have been placed both on medical certificates issued under § 67.19 and on those issued under an exemption.

Functional Limitations

Revised § 67.19(b) provides that the Federal Air Surgeon may condition the continued effect of the certificate on compliance with a statement of functional limitations issued in coordination with the Director of Flight Operations or the Director's designee. Proposed § 67.18 would have required a separate finding of equivalent level of safety by the Director. Also, contrary to the proposal, these functional limitations will only be issued in connection with second- and third-class certificates.

While functional limitations such as "not valid for pilot in command" have been issued for all classes of medical certificates in the past, this rule limits their use to second- and third-class certificates only. First-class certificates will not be issued with limitations that would prevent the holder from exercising the only airman privilege for which such a certificate is required by the regulations, namely, acting as pilot in command in operations conducted under Part 121 and certain operations under Part 135. If the applicant's condition is such that he or she should not be allowed to act as pilot in command in those operations, a second-class certificate may be issued to medically qualified applicants to allow them to perform other crewmember duties.

Those airmen now holding first-class certificates with functional limitations may continue to be so certificated if there is no adverse change in the medical condition concerned and if they otherwise meet the standards. This will avoid any inequity that might result if this amendment were to be applied retroactively.

The FAA received a number of comments concerning functional limitations. The history of the FAA's use of these limitations will be further

discussed in response to those comments.

Factors Considered

Proposed § 67.18 would have specified the factors that are considered in connection with a petition for exemption, if the applicant has one of the medical conditions (other than diabetes) excluded from § 67.19. These factors are not listed in § 67.19 to provide flexibility for medical advancements and to avoid the interpretation that they are all-inclusive or that, individually or collectively, they represent mandatory criteria. However, in determining eligibility for medical certification under § 67.19, those general factors will be considered.

In every case the FAA considers the natural history and severity of the problem, the period of satisfactory recovery since manifestation of the problem, and any treatment, as well as any continuing requirements for treatment, and its nature.

Personality Disorder, Psychosis, or Drug Dependence

In the case of an applicant who has had a personality disorder, psychosis, or drug dependence, the factors considered include: (1) Any current or recent psychiatric symptoms, aberrant behavior, or psychiatric or other medical findings; (2) the need for, or the use or abuse of, any chemical agents, for either therapeutic or recreational purposes; (3) any personality traits or other recognized factors involving the risk of future recurrence of the problem or the risk of other adverse events; and (4) the current psychiatric and psychological functional status and stability of the applicant, as determined by appropriate evaluative techniques.

Alcoholism

Where the applicant has an established medical history or clinical diagnosis of alcoholism and is not qualified under the standard revised by this amendment, the factors considered under § 67.19 would include: (1) The period of the applicant's abstinence from alcohol; (2) the severity of the problem and how long it has existed; (3) the number of times treatment was sought and relapse occurred; (4) the quality of the final treatment effort; (5) the presence of residual medical complications, especially neurologic manifestations; (6) progress in marital, social, vocational, and educational areas, as appropriate, since rehabilitation began; (7) commitment to rehabilitation by virtue of continuing contacts with social or professional agencies, or both, and their opinions and

recommendations; (8) any underlying personality difficulties that would either be disqualifying independently or adversely affect sustained abstinence; and (9) the findings of a recent psychiatric and psychological evaluation.

Where there is a history or diagnosis of alcoholism, one factor proposed in Notice 80-24 will not be considered. The FAA agrees with the Air Line Pilots Association (ALPA) that the age of the onset of alcoholism and the individual's stability and adjustment before the onset can only be estimated, and are of questionable usefulness as evaluation factors. ALPA is an organization with considerable experience in the diagnosis, treatment, and rehabilitation of pilots with alcoholism.

Epilepsy or Disturbance of Consciousness

For an applicant with a history or diagnosis of epilepsy or disturbance of consciousness, the factors would include: (1) Any current or recent neurological symptoms or neurological or other medical findings; (2) the availability of an explanation for the cause of the problem that is acceptable in terms of risk for future recurrence; (3) any recognized factors involving the risk of future adverse neurological events or of other adverse events; and (4) the anatomic integrity and functional status of the nervous system as determined by appropriate evaluative techniques.

Cardiovascular Problems

In the case of an applicant who has a medical history or current diagnosis of a disqualifying cardiovascular problem, the factors would include: (1) Any current or recent cardiovascular symptom, or cardiovascular or other medical finding; (2) the functional capacity of the heart as measured by appropriate techniques; (3) the presence or absence of myocardial ischemia or of the anatomic propensity for it; (4) the presence of, or likelihood of, changes in heart rhythm that could affect the individual's level of consciousness or ability to perform in the aviation environment; and (5) any recognized factor involving the risk of future adverse cardiovascular events.

Diabetes

The Federal Air Surgeon will continue to deny certification to individuals who have an established medical history or clinical diagnosis of diabetes that is controlled by the use of insulin or another hypoglycemic drug. The FAA has not found circumstances under which such an individual may be certificated without significant risk of

impairment of his or her faculties from an undetected drop in the level of blood sugar. If future medical advances should make certification possible, factors will be developed.

Clarification of Cardiovascular Standard

Notice 80-24 also proposed to amend §§ 67.13(e)(1), 67.15(e)(1), and 67.17(e)(1) which specifically disqualify applicants with a medical history or clinical diagnosis of a "myocardial infarction" (paragraph (e)(1)(i)) or "angina pectoris or other evidence of coronary heart disease that the Federal Air Surgeon finds may reasonably be expected to lead to myocardial infarction" (paragraph (e)(1)(ii)). It proposed to revise (e)(1)(ii) to make it clear that angina pectoris is disqualifying in and of itself since a history or diagnosis of angina pectoris normally indicates heart disease with significant risk of incapacity. It further proposed to add a paragraph (e)(1)(iii) to reflect the Federal Air Surgeon's consistent and well-established policy of denying applications for medical certificates under § 67.13, 67.15, or 67.17 by applicants with a known history of "coronary heart disease, treated or untreated," whether or not the medical events specified in paragraph (i) or (ii) have occurred.

Although Notice 80-24 used the words "coronary heart disease" in proposed paragraph (e)(1)(iii), the comments received indicated public concern that the minimal and insignificant degrees of coronary atherosclerosis found in many young persons could be considered disqualifying. There also was concern that the rule could be used to require more invasive testing of applicants who had no history, signs, symptoms, or findings of disease. The agency agrees that change from the proposed wording for clarification is appropriate to relieve these concerns.

Accordingly, the proposed wording of paragraph (e)(1)(iii) of these provisions is revised to read: "Coronary heart disease that has required treatment or, if untreated, that has been symptomatic or clinically significant." This revision better expresses the intent of the proposal, i.e., to clarify the standard to reflect the policy of the FAA that individuals with a history of coronary heart disease not be medically certificated for the exercise of airman privileges under §§ 67.13, 67.15 or 67.17. These individuals may be certificated through the discretionary special issuance procedures of § 67.19 after a separate determination that their disease no longer represents a risk to aviation safety.

In the past, FAA practice has been to deny any application for medical certification by an applicant who has a history or finding of coronary heart disease, including those who have undergone coronary artery bypass surgery and grant medical certification, where possible, via the formal exemption process. This disqualification has been consistent with the medical standards of Part 67. Subsequent medical certification, where possible, has been based upon acceptable evidence that the individual has adequately recovered and that his or her anatomic and physiologic cardiac status would not represent a significant risk to aviation safety in the subsequent exercise of airman privileges. Airmen were issued medical certificates through a grant of exemption that specified the airman privileges permitted and which require periodic medical reevaluation to detect the relapse or progression of disease known to occur ultimately in a large percentage of cases. This procedure protected the public while providing a means for relief for those individuals whose heart disease had stabilized sufficiently so as to pose an acceptable risk.

A number of commenters express the belief that the cardiovascular standards for certification under §§ 67.13(e)(1), 67.15(e)(1), and 67.17(e)(1) should be relaxed. Commenters also suggest that these standards be revised to set forth more detailed, objective criteria and tests by which medical certification can be determined. (In fact, the latter comment has been made the subject of a separate petition for rulemaking by a group of concerned pilots.) Many commenters contend that the standards, and for that matter all of Part 67, fail to take into account the advances in corrective surgery and treatment that have occurred since the part was issued.

Need for Review of Part 67

These comments, as they apply to the proposal, are discussed later in this preamble. The broader, substantive issues which they raise, however, cannot be resolved within the context of this rulemaking action. These issues warrant full consideration in a detailed and comprehensive review of the medical standards contained in Part 67, and the FAA plans to undertake such a review in response to these comments.

Some commenters are asking, for example, that objective standards for recertification after corrective heart surgery be placed in §§ 67.13, 67.15, and 67.17. While the risks of incapacitation associated with coronary heart disease are well known (including crippling chest pain, arrhythmia, infarction, and

sudden death), predictions of the likelihood of such incapacitating events in particular cases have proven as difficult as predicting the course of the disease itself. Accordingly, in the past, it has been even more difficult to make generalizations about such risks in a manner that would enable the setting of objective standards to be applied to all applicants with known coronary artery disease.

Through the exemption process, the agency has recertificated many such applicants after extensive evaluations of their particular circumstances, including the need for particularized limitations, restrictions, or requirements for followup tests at intervals shorter than the normal duration of the certificate involved. Each of these evaluations has required examination of numerous factors relevant to risks, their interrelationship, and their variable significance as applied to each individual's known circumstances of health. Where a reasoned, albeit subjective, medical judgment can be made that there are no significant safety risks attributable to a particular pilot's condition, within any operational or other limitations prescribed, the pilot has been recertificated.

The question thus posed by many of the commenters is: Is it not feasible to articulate the considerations that support the issuance of these exemptions as objective, generally-applicable regulatory standards and, in the process, relax the current standards appropriately? As will be discussed later, the answer is not readily available, as some commenters imply, from a review of medical literature, such as the report of the Eighth Bethesda Conference of the American College of Cardiology (1975).

Whether recommendations of either the Eighth Bethesda Conference or those who commented on Notice 80-24 can feasibly serve as generally-applicable regulatory certification standards is an issue requiring a major effort to obtain the views of the medical profession and of all interested parties. That effort will be undertaken as part of the review of all the medical standards in Part 67.

Need for Interim Clarification

Pending completion of review of the certification standards reflected in current Part 67, the need for immediate clarification of the cardiovascular standard remains. The NTSB's recent interpretations of the present standards in §§ 67.13(e)(1), 67.15(e)(1), and 67.17(e)(1) are in sharp conflict with the certification policies and regulatory history underlying these standards. In

several medical certification decisions the NTSB found airmen qualified for unrestricted medical certificates despite a history of significant coronary heart disease. Recently the NTSB determined, upon appeal by several airmen, that a history of coronary heart disease treated by bypass surgery was not disqualifying under Part 67. In these cases, the Board has equated the functional improvement afforded by such surgery to the elimination of significant risks of incapacitation associated with coronary artery disease. Under these determinations, the NTSB ordered the issuance of medical certificates of all three classes to these airmen. The certificates issued, therefore, contain neither limitations nor requirements for periodic medical re-evaluation. Further, the NTSB decisions limit the FAA's ability to obtain subsequent medically appropriate evaluations for determining continuing eligibility for certification in some cases. In others, the NTSB disregarded medical information the FAA considered adverse.

Under the Federal Aviation Act of 1958, section 602(b), it is the responsibility of the FAA to determine whether an applicant for an airman certificate is physically able to perform the duties pertaining to that certificate. Medical certification of airmen and the regulations pertaining to it are part of the FAA's fulfillment of that mandate. Section 602(b) also provides that an applicant who is denied certification by the FAA may petition the NTSB for review of the FAA's action, and the NTSB shall determine whether the airman meets the rules, regulations, or standards that the FAA has established. In several recent cases, the NTSB has interpreted the medical standards of §§ 67.13(e)(1), 67.15(e)(1), and 67.17(e)(1) in a manner inconsistent with the intent and practice of the FAA.

To meet the FAA's statutory responsibility to ensure safety in air commerce, interim clarification of the cardiovascular standard is necessary, pending substantive review of Part 67. The rule as adopted makes it clear, pending further rulemaking, that an airman with a demonstrated history of coronary heart disease resulting in treatment or which has been otherwise clinically significant does not meet the requirements for certification under §§ 67.13, 67.15, or 67.17. These persons will continue to have the opportunity for discretionary certification under the special issuance procedure, which replaces the more cumbersome exemption process. A specific goal of the Part 67 review to be undertaken will be to determine the extent to which

these persons' medical qualifications can be evaluated under objective standards to be specified in the regulations themselves.

Revision of Alcoholism Standard

After the publication of Notice 80-24, the United States Court of Appeals for the Ninth Circuit held that §§ 67.13(d)(1)(i)(c), 67.15(d)(1)(i)(c), and 67.17(d)(1)(i)(c), disqualifying an applicant for airman medical certification because of an established medical history or clinical diagnosis of alcoholism, were invalid ("Jensen v. FAA," 641 F.2d 797 (9th Cir. 1981)). This decision is based upon the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, 42 U.S.C. 4651(c)(1) (Hughes Act):

No person may be denied or deprived of Federal, civilian or other employment or a Federal professional or other license or right solely on the grounds of prior alcohol abuse or prior alcoholism.

The Court agreed, however, that the FAA may still consider alcoholism in its certification process and "may enact regulations prohibiting certification of current alcoholics if that term is adequately defined." It further suggested that determinations of abstinence for appreciable periods of time and inquiry into the public health consequences of prior alcoholism were appropriate and complied with the Hughes Act.

The FAA has, in the past, complied with the policy of the Hughes Act by recertifying recovered alcoholics through the exemption process under which the subjective elements of rehabilitation were evaluated on an individual basis and the regulations' prohibition waived in appropriate cases. In view of the Court's decision, however, the FAA is amending §§ 67.13(d)(1)(i)(c), 67.15(d)(1)(i)(c), and 67.17(d)(1)(i)(c), to provide that an established medical history or clinical diagnosis of alcoholism is disqualifying for airman medical certification unless there is documented clinical evidence of recovery, satisfactory to the Federal Air Surgeon. The rule specifically states that this evidence must include sustained total abstinence from alcohol for not less than the preceding 2 years. Other factors considered include the problem's severity, frequency, and treatment; residual medical complications; progress in, and commitment to, rehabilitation; personality difficulties; and recent psychiatric and psychologic findings.

Individuals who do not meet the revised standard may be considered for special issuance of a medical certificate under the provisions of § 67.19. As

amended, this rule will allow the continuation of the successful programs that have enhanced aviation safety by encouraging self-identification, treatment, and rehabilitation, and the return to flying activities of many pilots.

Analysis of Comments

The FAA received approximately 300 public comments in response to Notice 80-24. Most of the comments address themselves to the revision of the cardiovascular standards and the perception that the proposed amendments alter the rights of airmen to appeal adverse certification decisions. Only 14 comments specifically address the proposed exemption procedures. Many comments refer to issues not pertinent to the proposed rule.

On February 3 and 4, 1981, the FAA held a public hearing to exchange views on the proposed amendment. Representatives of the aviation industry and interested individuals attended that meeting. Two hundred pages of testimony were taken.

Nature of Disqualification

One hundred twenty-two commenters object to making certain medical conditions, such as myocardial infarction, disqualifying under §§ 67.13, 67.15, and 67.17. The objection stems from the commenters' belief that Part 67, which is more than 20 years old, fails to take into account the advances in corrective surgery and treatment that have occurred since the rule was issued. Many commenters characterize the regulations as making these conditions "automatically disqualifying for life." Forty-two commenters recommend that cardiovascular problems not be "absolutely" disqualifying under §§ 67.13, 67.15, or 67.17, but only be considered as temporarily disqualifying until an individual has recovered sufficiently to be recertified. Some commenters are concerned that coronary artery bypass surgery would be absolutely disqualifying under these provisions.

The FAA still considers the history or presence of significant heart disease, regardless of treatment, to preclude routine medical certification of the airmen affected. Further, any coronary heart disease that has required treatment is considered significant. While the ability to diagnose, evaluate, and intervene therapeutically has been enhanced by modern medical advancements, certification should be granted only after extensive individual evaluation and review by specialists, and discretionary requirements for periodic reevaluation and any

appropriate operational or functional limitations remain necessary.

It is not accurate to characterize the disqualifying medical conditions in §§ 67.13, 67.15, and 67.17 as "absolutely disqualifying" or "automatically disqualifying for life." Although individuals with a history or diagnosis of these conditions are "disqualified" under §§ 67.13, 67.15, or 67.17, the Federal Aviation Regulations still provide for individual consideration (formerly through the exemption process and now under § 67.19) using all appropriate and available evaluative techniques, including new developments, to determine what airman privileges, if any, can be safely exercised. That the specified conditions in §§ 67.13, 67.15, and 67.17 do not permanently prevent a person from exercising airman privileges is evident from past FAA decisions to certify medically, after individual evaluation, thousands of airmen who did not meet these standards. As already noted, revised § 67.19 provides an administratively simpler mechanism for these actions, removing any requirement that airmen obtain exemptions.

Breadth of the Cardiovascular Standard

One major pilots' organization expresses concern that the proposed change in the wording of the cardiovascular standard seems to be a reversion to an unwarranted and unnecessarily harsh and broad standard. The commenter suggests that it be revised to read, "No established medical history or clinical diagnosis of any of the following: (i) Myocardial infarction; (ii) angina pectoris; (iii) coronary heart disease, treated or untreated, if symptomatic and clinically significant."

As already noted, the FAA recognizes that the term "coronary heart disease" is perceived by many commenters as including nonsignificant coronary atherosclerosis. Therefore, the interim standard, as adopted, has been expressed in language similar to that suggested by this commenter.

Exemptions for Alcoholism

The same pilots' organization strongly recommends that a history or diagnosis of alcoholism no longer should require a grant of exemption before certification is possible. In addition to the revision of the standard already discussed, § 67.19 now permits certification, when appropriate, through special issuance procedures without need for the formal exemptions process, regardless of the medical condition involved.

Right of Appeal to the NTSB

One hundred fifteen commenters express concern that protection be given to the right to appeal any adverse certification decision by the Federal Air Surgeon, particularly after the denial of certification because of coronary heart disease.

Neither the proposed nor the final rule deprives any airman of his or her appeal rights. An airman still has the right to request review by the NTSB of any denial of certification by the FAA based on the standards in §§ 67.13, 67.15, and 67.17, and that review will determine whether the denial was proper under those provisions. The intent of the revision of the heart disease standard, pending review of all Part 67 medical standards, is not to deprive any individual of these rights, but to preclude further misinterpretations of the cardiovascular standards by the NTSB that have already resulted in issuing unrestricted and unmonitored medical certificates of all classes to individuals with histories of significant heart disease.

The interim change in the wording of the rule reflects the knowledge that a history or diagnosis of angina pectoris normally indicates heart disease with significant risk of incapacitation whether or not it can be stated that a myocardial infarction will result. The change also reflects the knowledge that no treatment, including surgery, can be relied upon to cure coronary heart disease, to eliminate the significant rate of disease progression, or to eliminate the risks of incapacitation attributable to the disease. Since, in some cases involving coronary artery bypass surgery and angina pectoris, the NTSB has interpreted the medical standards of the Federal Aviation Regulations as permitting unlimited and unmonitored certification, sometimes without successful completion of the medical evaluations considered necessary by the FAA, this revision of the language of the standard is necessary to ensure that the FAA fulfills its responsibility to promulgate rules necessary to provide safety in air commerce. However, no change in FAA certification policy or practice regarding cardiovascular disease is embodied in this revision. This has been evidenced by the longstanding uniformity of FAA practice in this regard and the regulatory history dating back to the original 1958 Flight Safety Foundation Medical Advisory Panel recommendations. Further, those airmen who have adequately recovered and whose medical evaluations indicate the absence of significant risk may be certificated, with appropriate limitations

or conditions, under the discretionary special issuance provisions of § 67.19.

List of Criteria or Tests

One hundred forty-four commenters request that the standards include a list of specific criteria or tests which applicants for certification must satisfy. Some commenters mention the report of the Eighth Bethesda Conference of the American College of Cardiology (1975) in this regard.

As already noted, the FAA intends to consider these suggestions in conjunction with an overall review of the medical certification standards in Part 67. However, it is important to state here why there interim cardiovascular standards are being issued in a format that is clearly contrary to that desired by these commenters.

In the past Part 67 has stated certain medical conditions that are disqualifying in general terms. There are some areas such as vision where it has been possible to state minimum requirements by listing specific parameters. However, in other areas it has been the opinion of the FAA that the nature of medical science and the complexity and variability of the medical factors, as they affect different individuals and thereby influence flight safety, have made it impractical or impossible to promulgate generally applicable medical standards in any other format.

The FAA recognizes the need to inform the public as fully as possible of the basis for certification decisions. Medical evaluation, however, has rested heavily upon professional judgment regarding the relative weight and significance accorded every element of information available about the applicant. The complexity and variability of the medical factors considered have made it impractical and unwise to attempt to make a definitive listing of tests or examinations, as well as result parameters, which would categorically qualify or disqualify applicants with any given medical history or diagnosis. Even if information developed in the review of Part 67 indicates that such a listing is practical, care must be taken that it does not result in arbitrary denial of certification to some individuals while providing for certification of others whose histories or current conditions indicate an unacceptable risk to aviation safety. In such a standard there would have to be room for consideration of individual physiological differences; variations in disease manifestations; mitigating, exacerbating, or interactive findings;

and the availability of alternative evaluative technology.

It should be noted that this preamble does specify the categories of information currently considered important in determining medical status where there is history or diagnosis of those severe disorders which permit certification only through the special issuance procedure. However, individual cases may involve consideration of additional factors, or exclusion of listed factors that are not pertinent. Information needed with respect to any factor, if not contained in the applicant's records, will be requested at the time of application for a special issuance.

Consideration of the pertinent factors in each case, however, determines the scope of the medical investigation and the appropriate methodology. Aeromedical certification decisions will be based, when appropriate, upon review by medical specialists of all data thus obtained.

Eighth Bethesda Conference

The report of the Eighth Bethesda Conference of the American College of Cardiology, a collection of scientific papers, has been used extensively by the FAA in developing certification policy and in making individual certification decisions. In most respects its recommendations closely followed already existing FAA procedures. It addresses considerations pertinent to the diagnostic and prognostic evaluation of individuals having or suspected of having heart disease. The FAA will continue to use this document as it was intended, that is, as a technical and policy resource.

Epidemiological Factors

A physician, a medical college professor, notes that more than half of all deaths from heart disease are due to sudden arrhythmias; that is, irregularities in the heart beat, which may not be preceded by other symptoms of heart disease, such as angina pectoris or myocardial infarction. This commenter describes epidemiologic risks for sudden death in relation to factors such as age, smoking history, and various electrocardiographic findings. He suggests their use in certification decisions. The detailed evaluations required for special issuance of medical certificates under § 67.19 presently provide for careful consideration of all risk factors. Consideration of how these factors might lend themselves to the development of specific requirements regarding each identified risk factor will

be welcomed in the course of the Part 67 review.

Diabetes

An organization composed of a large number of aircraft owners and pilots comments that Notice 80-24, in part, is inconsistent with the Federal Aviation Act of 1958 (FA Act) and with Part 11 of the Federal Aviation Regulations. It argues that because these provisions authorize and provide procedures for issuing exemptions in the case of any medical condition when it is in the public interest, the FAA may not prejudice any medical condition. This comment is based upon the FAA policy regarding diabetes requiring insulin or another hypoglycemic agent for control. Notice 80-24 indicates that the FAA has not found information demonstrating the circumstances under which an individual with drug-controlled diabetes could be certificated and, therefore, no factors were included.

The FA Act only allows issuing airman certificates to applicants who are physically able to carry out the airman duties they seek to perform. The fact that procedures are available for certification of all individuals, under Part 11 or otherwise, does not preclude the Federal Aviation Administrator, acting through the Federal Air Surgeon, from fulfilling this statutory requirement when he determines that all individuals with a specific medical condition cannot safely exercise airman privileges. The authority to grant exemptions from the Federal Aviation Regulations is discretionary. A policy that denies exemptions to every person disqualified under a specific section neither violates the Federal Aviation Act of 1958 nor is inconsistent with Part 11 of the regulations.

Drug-controlled diabetes in a pilot still represents an unacceptable risk to flight safety. If, in the future, information demonstrating that medical technology has advanced to the point that diabetes can be controlled without significant risk of incapacitation from hypoglycemia or other complications becomes available to the FAA, consideration for special issuance of a medical certificate under § 67.19 will be possible.

Accident Statistics

The same organization objects to the proposed changes in the cardiovascular standards in §§ 67.13(e)(1), 67.15(e)(1), and 67.17(e)(1) on the basis that they are not justified by accident experience. The FAA does not consider it necessary to justify every rule with accident statistics. Positive regulatory actions designed to promote or maintain a high

level of aviation safety are preferred and more appropriate than those offered in response to system failure. The low incidence of medically related accidents must be considered testimony to the effectiveness of the medical certification system, not as an argument that medical certification should be liberalized. The current changes are needed to eliminate ambiguity.

Court Decision

The organization also suggests that the proposed changes are not responsive to the Court's decision in "Delta Air Lines, Inc. v. United States, et al." However, the FAA considers this revision to Part 67 to be fully responsive to the Court's decision. This amended rule makes clear that discretionary airman medical certification is possible in many cases despite a history or diagnosis of serious disease, and it provides relief through procedures more efficient than formal exemptions, and, thus, meets the Court's objection that this relief has been provided without compliance with the Administrative Procedure Act. It specifically expresses the delegated authority of the Federal Air Surgeon, on behalf of the Administrator, to issue medical certificates contingent upon compliance with operational limitations or, after coordination with the Director of Flight Operations, functional limitations for second- and third-class certificates.

Functional Limitations

One major professional pilots' organization and an organization representing a large number of other professional flight crewmembers oppose the proposal to permit the Federal Air Surgeon to issue medical certificates contingent upon a statement of functional limitations issued only by the Director of Flight Operations. They have no objection, however, to use of these limitations. These commenters suggest that involving the Director as a decisionmaker in determinations that are solely medical is an unwarranted reversal of FAA's policy of permitting only those with specific technical knowledge and scientific expertise to make regulatory decisions. The commenters believe this would be confusing. Both commenters suggest that the authority should rest solely with the Federal Air Surgeon.

The FAA agrees that while the Director of Flight Operations has the capability to test an applicant's current ability to pilot an aircraft, he does not have the expertise to predict the consequences of an airman's medical condition. The proposed procedure is

changed, therefore, to provide for determining functional limitations, where appropriate, by the Federal Air Surgeon in coordination with the Director of Flight Operations. For the reasons already noted, these limitations are authorized only for second- and third-class airman medical certification.

Commenters for one airline and for an association of airlines oppose the use of functional limitations to designate the cockpit duties of pilots. The airline believes that any regulation incorporating such limitations would impair the ability of airlines to perform their services with the highest possible degree of safety in the public interest. Further, this commenter states that if a pilot is medically qualified to justify the issuance of a first-class medical certificate, then he or she should be permitted to exercise all of the privileges of the certificate; that is, pilot in command, first officer, or second officer. The airline believes that if the airman is not medically qualified, then he or she should not be issued the certificate. The association objects to granting functionally limited certificates to airmen not qualified by airline standards in the belief that it undermines the airline prerogative to determine the placement and duties of its flight crewmembers.

In the past, the FAA has used functional limitations to specifically match the duties an airman is authorized to perform with his or her physical capabilities and overall medical condition. Where some very small but acceptable element of existing aviation risk was perceived through medical evaluation, an exemption was granted or a certificate specially issued with appropriate followup requirements and limitations of function or responsibility. These limitations and reevaluation requirements ensured a level of safety equivalent to that in cases of airmen certified under the standards. In the belief that the class of certificate issued was inconsequential in cases where specific individual evaluation and specific limitations in authorized duties were delineated, the FAA applied this policy to all classes of medical certificates. Experience over 20 years has not indicated any adverse effect on safety.

As already noted, first-class airman medical certificates will no longer be issued to individuals considered unacceptable for unlimited performance of all airman duties associated with a first-class certificate. Under the provisions of § 67.19, the FAA, where appropriate, will issue second- or third-class airman medical certificates with

any operational or functional limitations that the Federal Air Surgeon deems necessary in the public interest to provide a level of safety equivalent to that provided by § 67.15 or § 67.17, as appropriate. In cases of airmen who previously have been issued first-class medical certificates with functional limitations and who have maintained certification without adverse medical change or functional difficulty, the FAA will continue to issue first-class certificates to them if the applicants otherwise remain qualified.

Mental Conditions

One professional organization suggests that the grouping of personality disorders, psychosis, and drug dependence into a single category is an arbitrary and misleading association since ambiguity exists within diagnoses. The commenter further expresses concern that the proposed rule would minimize the diagnostic input from psychologists and social workers. A multidisciplinary format is suggested with the rule specifically requiring assessment of affected airmen by psychiatrists, psychologists, and social workers.

The evaluation factors listed are public guidelines regarding the information considered significant in evaluating individuals disqualified under specific medical standards. The groupings are for convenience only, reflect the wording of the actual standards, and indicate only that the same factors are applicable for each of the grouped conditions. The factors are not necessarily all-inclusive and all may not be appropriate in every case.

The FAA accepts and considers medical evaluations from all recognized professional workers, though it sometimes requires specific information available only from workers in particular disciplines. When appropriate, psychiatrists, psychologists, and social workers are included. A "team" approach to diagnosis and treatment frequently is noted. Because the information needed must be provided and fees paid by the airman, however, the FAA requests only what is necessary for certification decisions. A rule that requires multiple professional consultations in every case would be unnecessarily burdensome.

Treatment Effort

The same professional organization also suggests that evaluation of an individual with a history of alcoholism should include an assessment of "the quality of the final treatment response" rather than, as proposed, "the quality of the final treatment effort." Determining

the final response is, of course, the objective in consideration of all factors. By use of the word "effort," the FAA includes consideration of the quality of participation of the applicant in his or her treatment as well as the quality of the treatment facilities utilized.

Classification as a Nonsignificant Regulation

Notice 80-24 stated that the FAA had determined that the regulation proposed was not considered to be significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Twenty-seven commenters object to the "nonsignificant" classification placed on the proposed rule, citing the criteria for significance in the DOT Policies and Procedures in their comments. The commenters contend that the proposal should have received the review and concurrence of the Secretary of Transportation, as is required for significant regulatory actions.

Objections to the proposal's classification as nonsignificant were also raised at the public hearing held on February 3 and 4, 1981. The FAA advised the participants that its determination that the proposed action was not significant under the criteria of the DOT order would be reviewed in the light of all comments received in response to the notice and those presented at the public hearing. The FAA encouraged all interested individuals to provide to the rulemaking docket their comments regarding the specific impact of the proposal.

The FAA's initial determination that the proposal was not significant was reviewed by the Office of the Secretary of Transportation before it was issued, and the Department's Semiannual Regulations Agenda and Review List, issued by the Secretary (46 FR 20036; April 2, 1981), indicated agreement in this determination.

Because of controversy evidenced by these comments, the FAA has determined that this rulemaking should be considered significant under the criteria of the Department of Transportation Regulatory Policies and Procedures, and under those procedures, it has received review by the Office of the Secretary of Transportation. This amendment has also been reviewed by that office under current DOT procedures implementing Executive Order 12291, and in compliance with that Executive Order, has been reviewed by the Office of Management and Budget.

Public Interest

Granting airmen relief provided by this amendment is supported by the FAA's 20-year history with the medical exemption process. Through this experience, the FAA has determined that the public interest is best served when airmen who know, or have reason to believe, they are experiencing a medical problem are encouraged to submit themselves to medical treatment and rehabilitation as soon as possible. These airmen include commercial and air carrier pilots who depend on their medical certificate for their livelihood and on whom, in turn, the public depends for safe air travel. They also include general aviation pilots who share the airspace with those pilots and the traveling public.

Providing means by which these airmen may subsequently obtain a medical certificate discourages concealment of a disqualifying medical condition to avoid the permanent loss of employment or airman privileges. This incentive is necessary because, while there has been a marked improvement in the evaluation and treatment of many of these conditions, they cannot always be detected by a routine medical examination.

Encouraging airmen to seek medical treatment as early as possible benefits both the public and the airman. The public is protected from the risk that the airman may become incapacitated while operating an aircraft. The public also benefits because airmen who seek early treatment and voluntarily provide accurate medical information contribute to safety in air commerce. Voluntary disclosure to the FAA allows careful assessment of the condition and the opportunity for special periodic medical surveillance in the event that medical certification is considered appropriate. This contributes substantially to the fund of knowledge regarding these conditions and aviation medicine generally.

The airman's early recovery and return to flying is facilitated by disclosure, since early treatment substantially improves the prognosis for many conditions.

Economic and Social Benefits

Issuing certificates under § 67.19 provides economic and social benefits for the airman, the aviation community, and the general public. First- and second-class medical certificates allow applicants to participate in commercial aviation activities without compromising safety and reduce the likelihood that the petitioner will become economically dependent upon

the public. Training costs to replace individuals who would otherwise be unable to act as airmen in commercial operations or for private hire are avoided and the pool of qualified aviation personnel is maintained. Third-class medical certificates allow applicants to pursue aviation activities without compromising safety and thereby contribute to the promotion of civil aviation generally.

Regulatory Evaluation

The FAA conducted a regulatory evaluation for this final rulemaking action. The FAA determined that this rule imposes no new requirements on airmen seeking first-, second-, or third-class medical certificates. However, the FAA has determined that this rule may conceivably impose minimal-to-negligible costs in the aggregate by impacting those individuals who have histories of significant heart disease, and through the NTSB appeals process, might have ultimately been issued unrestricted and unmonitored medical certificates. While the new regulation does not preclude an individual's right of appeal to the NTSB, it does clarify the intent with respect to cardiovascular standards and eliminates the possibility of further misinterpretation. Therefore, a few individuals who might otherwise be considered certifiable by the NTSB under that misinterpretation may be restricted from receiving medical certificates under the new regulations. Furthermore, this rule imposes no additional costs on the Federal Government.

Implementing this rule provides benefits in terms of cost savings in the aggregate to certain airmen who apply for medical certificates, especially those airmen who were disqualified under the conditions of previous regulations from receiving medical certificates because of certain medical conditions; to businesses which operate aircraft; and to the Federal Government. Specifically, this rule allows the initial qualification under §§ 67.13, 67.15, and 67.17 of individuals with a history of alcoholism that seek medical certificates where there is established clinical evidence, satisfactory to the Federal Air Surgeon, of recovery, including sustained total abstinence for not less than the 2 preceding years. Prior to this rule, a medical certificate for an individual with such a history could only be sought through the exemption process. Therefore, this rule eliminates individual processing costs and time lost due to the exemption process for airmen with this condition.

Additionally, this amendment provides means for discretionary special

issuance of medical certificates to certain airmen who are otherwise disqualified because of a personality disorder that is severe enough to have manifested itself by repeated overt acts, psychosis, alcoholism, drug dependence, epilepsy, disturbance of consciousness without satisfactory medical explanation of the cause, myocardial infarction, angina pectoris or other evidence of coronary heart disease, or diabetes mellitus that requires insulin or other hypoglycemic drugs for control. Airmen with these medical conditions are expected to be granted relief, where appropriate, through a more immediate means of special issuance review action, thus eliminating the processing costs of seeking exemptions and reducing time lost in awaiting decisions. This rule also provides for further decentralization of FAA decision authority, thereby reducing the applicant's waiting time for a decision in such cases.

The total cost savings to airmen who apply for medical certificates in a given year will vary according to the number of airmen who would have been disqualified from receiving medical certificates under conditions of previous regulations and who are now provided relief through either initial qualification (in the case of alcoholism) or immediate review for special issuance of medical certificates; and the value of time foregone, both personal and business-related, for applicants that sought medical certificates through the exemption process and special issuance process and are now provided a more timely review process. According to the FAA's 1980 *Aeromedical Certification Statistical Handbook* for the period of 1961-1980, there were approximately 8,000 petitions for exemption filed that would now qualify for special issuance review. Cost savings, in terms of reduced training costs and reduced aircraft downtime, are also expected for businesses which operate aircraft.

Important cost savings will accrue to the Federal Government. This rule reduces the administrative case review time of documents, decentralizes the decision authority in special issuance cases, and increases FAA system responsiveness.

Accordingly, the benefits of this regulation outweigh any costs that may be incurred. However, the magnitude of the benefits and costs, and the number of small entities affected, do not involve a significant economic impact on a substantial number of small entities.

List of Subject in 14 CFR Part 67

Airmen, Alcohol and alcoholic beverages, Alcoholism, Aviation safety, Drug abuse, Medical records.

Adoption of the Amendments**PART 67—MEDICAL STANDARDS AND CERTIFICATION**

Accordingly, Part 67 of the Federal Aviation Regulations (14 CFR Part 67) is amended, effective May 17, 1982, as follows:

1. By amending § 67.13 by revising paragraphs (d)(1)(i)(c) and (e)(1) and adding a new paragraph (g) to read as follows:

§ 67.13 First-class medical certificate.

(d) *Mental and neurologic.* (1) * * *
(i) * * *
(c) Alcoholism, unless there is established clinical evidence, satisfactory to the Federal Air Surgeon, of recovery, including sustained total abstinence from alcohol for not less than the preceding 2 years. As used in this section, "alcoholism" means a condition in which a person's intake of alcohol is great enough to damage physical health or personal or social functioning, or when alcohol has become a prerequisite to normal functioning.

(e) *Cardiovascular.* (1) No established medical history or clinical diagnosis of—

- (i) Myocardial infarction;
- (ii) Angina pectoris; or
- (iii) Coronary heart disease that has required treatment or, if untreated, that has been symptomatic or clinically significant.

(g) An applicant who does not meet the provisions of paragraphs (b) through (f) of this section may apply for the discretionary issuance of a certificate under § 67.19.

2. By amending § 67.15 by revising paragraphs (d)(1)(i)(c) and (e)(1) and adding a new paragraph (g) to read as follows:

§ 67.15 Second-class medical certificate.

(d) *Mental and neurologic.* (1) * * *
(i) * * *
(c) Alcoholism, unless there is established clinical evidence, satisfactory to the Federal Air Surgeon, of recovery, including sustained total abstinence from alcohol for not less than the preceding 2 years. As used in this section, "alcoholism" means a condition in which a person's intake of alcohol is great enough to damage physical health

or personal or social functioning, or when alcohol has become a prerequisite to normal functioning.

(e) *Cardiovascular.* (1) No established medical history or clinical diagnosis of—

- (i) Myocardial infarction;
- (ii) Angina pectoris; or
- (iii) Coronary heart disease that has required treatment or, if untreated, that has been symptomatic or clinically significant.

(g) An applicant who does not meet the provisions of paragraphs (b) through (f) of this section may apply for the discretionary issuance of a certificate under § 67.19.

3. By amending § 67.17 by revising paragraphs (d)(1)(i)(c) and (e)(1) and adding a new paragraph (g) to read as follows:

§ 67.17 Third-class medical certificate.

(d) *Mental and neurologic.* (1) * * *
(i) * * *
(c) Alcoholism, unless there is established clinical evidence, satisfactory to the Federal Air Surgeon, of recovery, including sustained total abstinence from alcohol for not less than the preceding 2 years. As used in this section, "alcoholism" means a condition in which a person's intake of alcohol is great enough to damage physical health or personal or social functioning, or when alcohol has become a prerequisite to normal functioning.

(e) *Cardiovascular.* (1) No established medical history or clinical diagnosis of—

- (i) Myocardial infarction;
- (ii) Angina pectoris; or
- (iii) Coronary heart disease that has required treatment or, if untreated, that has been symptomatic or clinically significant.

(g) An applicant who does not meet the provisions of paragraphs (b) through (f) of this section may apply for the discretionary issuance of a certificate under § 67.19.

4. By revising § 67.19 to read as follows:

§ 67.19 Special issue of medical certificates.

(a) At the discretion of the Federal Air Surgeon, a medical certificate may be issued to an applicant who does not meet the applicable provisions of §§ 67.13, 67.15, or 67.17 if the applicant shows to the satisfaction of the Federal Air Surgeon that the duties authorized

by the class of medical certificate applied for can be performed without endangering air commerce during the period in which the certificate would be in force. The Federal Air Surgeon may authorize a special medical flight test, practical test, or medical evaluation for this purpose.

(b) The Federal Air Surgeon may consider the applicant's operational experience and any medical facts that may affect the ability of the applicant to perform airman duties including:

(1) The combined effect on the applicant of failure to meet more than one requirement of this part; and

(2) The prognosis derived from professional consideration of all available information regarding the airman.

(c) In determining whether the special issuance of a third-class medical certificate should be made to an applicant, the Federal Air Surgeon considers the freedom of an airman, exercising the privileges of a private pilot certificate, to accept reasonable risks to his or her person and property that are not acceptable in the exercise of commercial or airline transport privileges, and, at the same time, considers the need to protect the public safety of persons and property in other aircraft and on the ground.

(d) In issuing a medical certificate under this section, the Federal Air Surgeon may do any or all of the following:

- (1) Limit the duration of the certificate.
- (2) Condition the continued effect of the certificate on the results of subsequent medical tests, examinations, or evaluations.
- (3) Impose any operational limitation on the certificate needed for safety.
- (4) Condition the continued effect of a second- or third-class medical certificate on compliance with a statement of functional limitations issued to the applicant in coordination with the Director of Flight Operations or the Director's designee.

(e) An applicant who has been issued a medical certificate under this section based on a special medical flight or practical test need not take the test again during later physical examinations unless the Federal Air Surgeon determines that the physical deficiency has become enough more pronounced to require another special medical flight or practical test.

(f) The authority of the Federal Air Surgeon under this section is also exercised by the Chief, Aeromedical Certification Branch, Civil Aeromedical

Institute, and each Regional Flight Surgeon.

5. By revising the second sentence in § 67.25(b) to read as follows:

§ 67.25 Delegation of authority.

* * * * *

(b) * * * Where the applicant does not meet the standards of §§ 67.13(d)(1)(ii), (d)(2)(ii), or (f)(2), 67.15(d)(1)(ii), (d)(2)(ii), or (f)(2), or §§ 67.17(d)(1)(ii), (d)(2)(ii), or (f)(2), any action taken under this paragraph other than by the Federal Air Surgeon is subject to reconsideration by the Federal Air Surgeon. * * *

* * * * *

6. By amending § 67.27 by removing the flush sentence at the end of paragraph (b) and by revising paragraphs (b)(3) and (c) and adding a new paragraph (d) to read as follows:

§ 67.27 Denial of medical certificate.

* * * * *

(b) The denial of a medical certificate—

* * * * *

(3) By the Chief, Aeromedical Certification Branch, Civil Aeromedical Institute, or a Regional Flight Surgeon is considered to be a denial by the Administrator under the Act except where the applicant does not meet the standards of § 67.13(d)(1)(ii), (d)(2)(ii), or (f)(2), § 67.15(d)(1)(ii), (d)(2)(ii), or (f)(2), or § 67.17(d)(1)(ii), (d)(2)(ii), or (f)(2).

(c) Any action taken under § 67.25(b) that wholly or partly reverses the issue of a medical certificate by an aviation medical examiner is the denial of a medical certificate under paragraph (b) of this section.

(d) If the issue of a medical certificate is wholly or partly reversed upon reconsideration by the Federal Air Surgeon, the Chief, Aeromedical Certification Branch, Civil Aeromedical Institute, or a Regional Flight Surgeon, the person holding that certificate shall surrender it, upon request of the FAA.

(Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1422); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

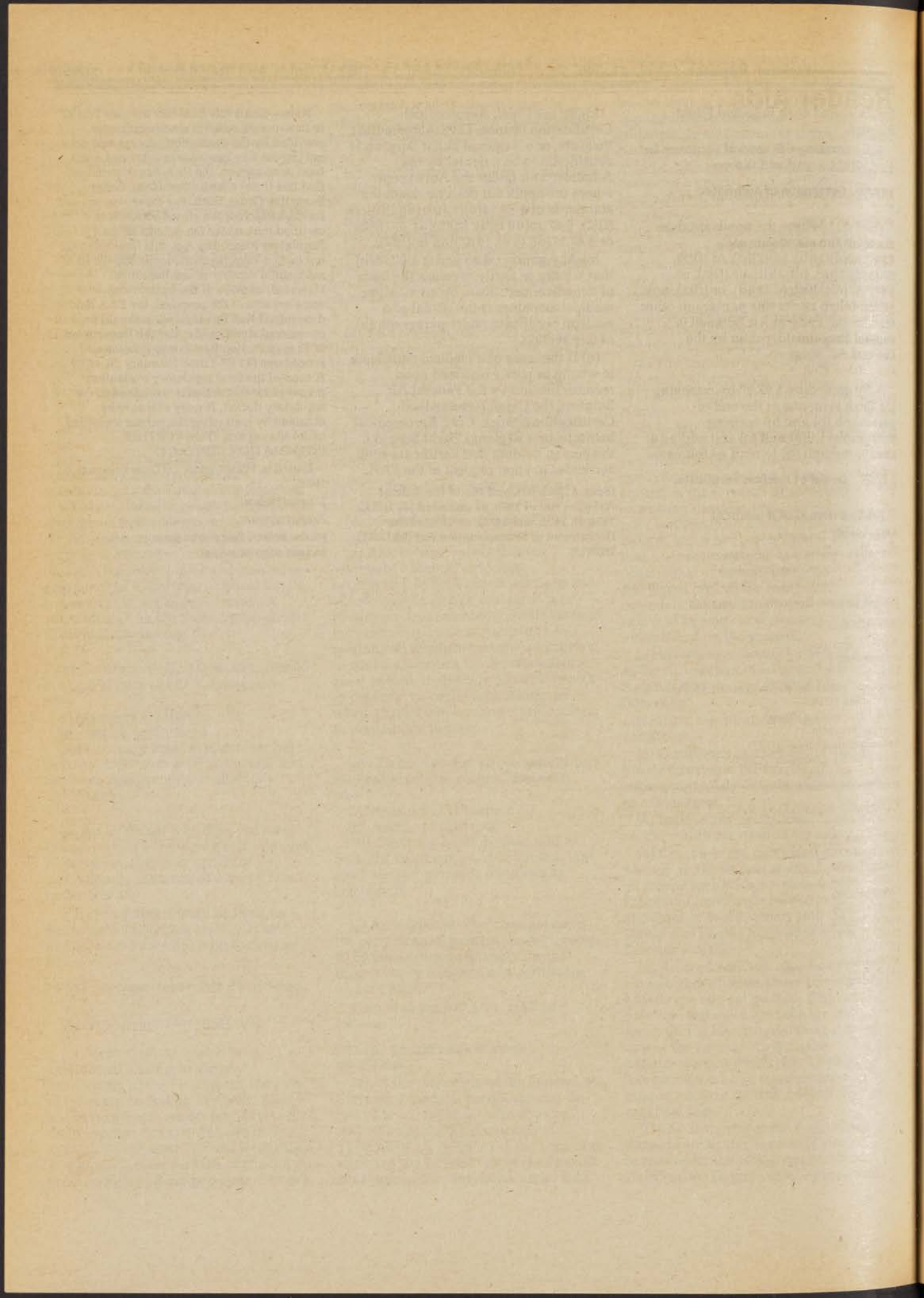
Note.—Since this final rule amends Part 67 to incorporate relief to airmen currently provided by the exemption process and does not impose any new cost or other economic burden on airmen, the FAA has determined that this is not a major regulation under Executive Order 12291. For these reasons and for the other reasons stated above, it is certified that, under the criteria of the Regulatory Flexibility Act, this final rule will not have a significant economic impact on a substantial number of small entities. However, because of the controversy over some aspects of the proposal, the FAA has determined that this regulation should be considered significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on February 8, 1982.

J. Lynn Helms,
Administrator.

[FR Doc. 82-10172 Filed 4-14-82; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing April 9, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the *Federal Register* but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 410/Pub. L. 97-170 To designate April 19, 1982, as "Dutch-American Friendship Day". (Apr. 12, 1982; 96 Stat. 66) Price: \$1.50.

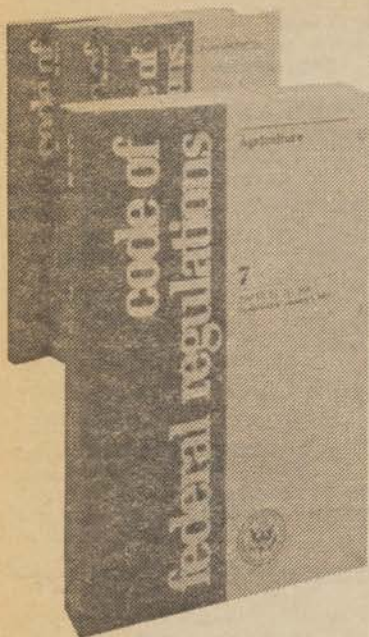
S. 2333/Pub. L. 97-171 To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations. (Apr. 13, 1982; 96 Stat. 67) Price: \$1.50.

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